

CHARTER
AND
ORDINANCES



CITY OF SYRACUSE


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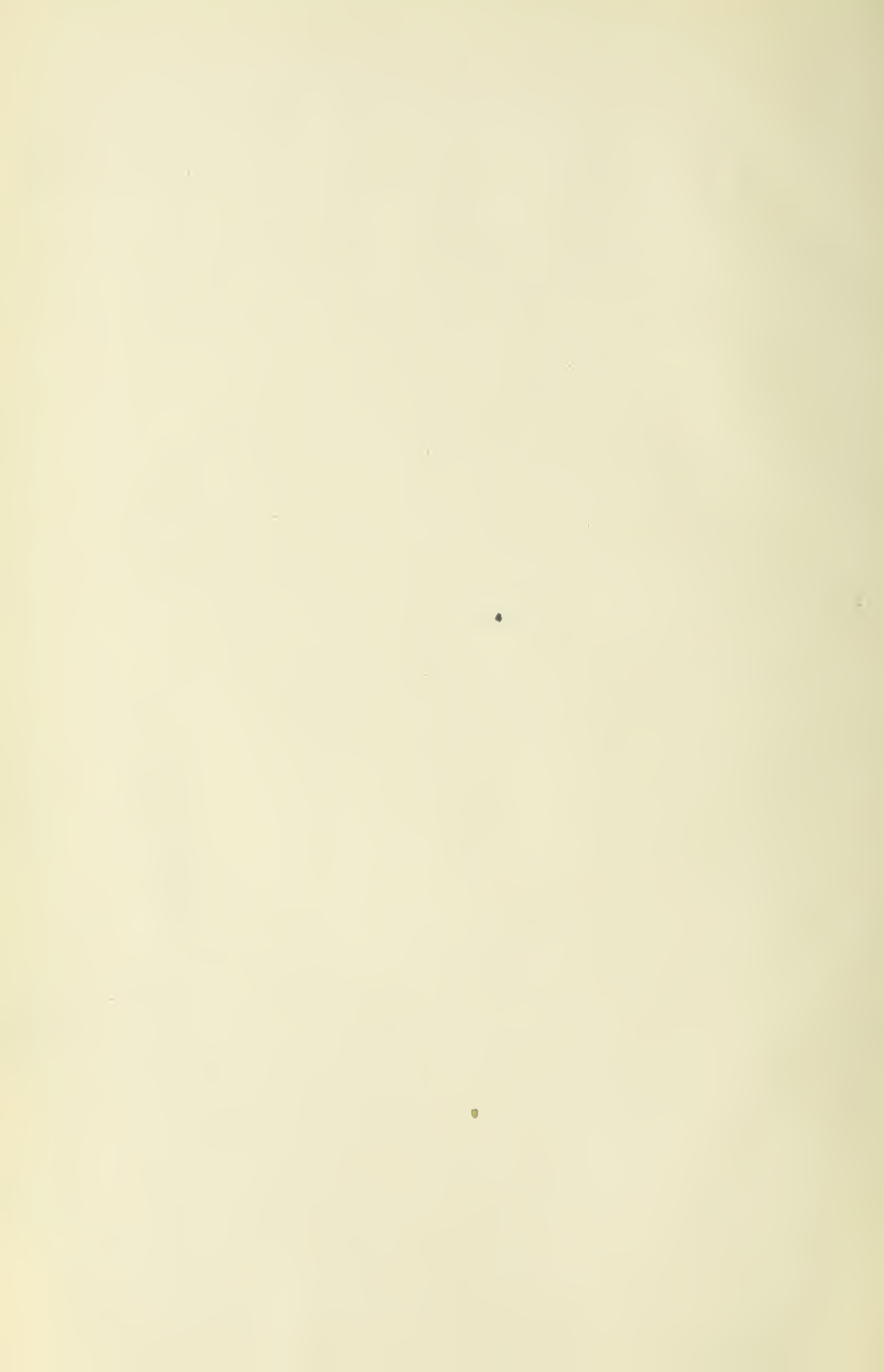




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243
CHARTER

AND

ORDINANCES

OF THE

CITY OF SYRACUSE, N. Y.

AS REVISED IN 1885, AND AS AMENDED FROM 1885 TO 1893

INCLUSIVE,

TOGETHER WITH

SPECIAL, LEGISLATIVE ENACTMENTS AFFECTING
THE CITY OF SYRACUSE.

SUPPLEMENT FOR 1894.

SYRACUSE, N. Y.:

E. M. GROVER, PRINTER AND BINDER.

1894.

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Sy 8or
1894

MAINTAINED BY THE
CITY OF BOSTON

OFFICERS

OF THE

CITY GOVERNMENT,

From its Organization to the Present Time.

ACT OF INCORPORATION PASSED DEC. 14, 1847.

1848.

Mayor—HARVEY BALDWIN.

City Clerk—RICHARD A. YOE.

City Treasurer—PERRY BURDICK.

City Surveyor—BENJAMIN F. GREEN.

Aldermen.

- I. Elizur Clark, James Lynch.
- II. John B. Burnet, Alexander McKinstry.
- III. Gardner Lawrence, William H. Alexander.
- IV. Robert Furman, Henry W. Durnford.

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Political Science Research Mem Does 30 No 17 Statute Law Bk Co

1849.

Mayor—ELIAS W. LEAVENWORTH.*City Clerk*—S. CORNING JUDD.*City Treasurer*—HARMON W. VAN BUREN.*City Surveyor*—JOSEPH M. TROWBRIDGE.*Aldermen.*

I. James Lynch, Thomas Feagan.

(Resigned February 26th, 1850.)

John P. Babcock,

(Appointed by Common Council to fill vacancy.)

II. Alexander McKinstry, Silas Titus.

III. Gardner Lawrence, Amos Westcott.

IV. Henry W. Durnford, Edward B. Wicks.

1850.

Mayor—ALFRED H. HOVEY.*City Clerk*—LEROY L. ALEXANDER.*City Treasurer*—HARVEY HATHAWAY.*City Surveyor*—JOSEPH M. TROWBRIDGE.*Aldermen.*

I. John P. Babcock, Miles W. Bennett.

II. Silas Titus, George W. Herrick.

III. Amos Westcott, John W. Barker.

IV. Edward B. Wicks, Henry D. Hatch.

1851.

Mayor—MOSES D. BURNET.

(Elected but declined to qualify.)

HORACE WHEATON.

(Appointed by Common Council.)

City Clerk—LEROY L. ALEXANDER.

City Treasurer—JAMES A. CASTLE.

City Surveyor—BENJAMIN F. GREEN.

Aldermen.

- I. Miles W. Bennett, Burr Burton.
- II. George W. Herrick, James M. Taylor.
- III. John W. Barker, Volney Green.
(Removed from Ward.)
Benjamin L. Higgins.
(Elected to fill vacancy.)
- IV. Henry D. Hatch, Charles Pope.

1852.

Mayor—JASON C. WOODRUFF.

City Clerk—LEROY L. ALEXANDER.

City Treasurer—JACOB S. SMITH.

City Surveyor—BENJAMIN F. GREEN.

Aldermen.

- I. Burr Burton, Alonzo Crippen.
- II. Daniel O. Salmon, Harmon Ackerman.
- III. Volney Green, Addison G. Williams.
- IV. Charles Pope, Oliver T. Burt.

1853.

Mayor—DENNIS MCCARTHY.*City Clerk*—LEROY L. ALEXANDER.*City Treasurer*—JOHN M. JAYCOX.*City Surveyor*—BENJAMIN F. GREEN.*Aldermen.*

- I. Alonzo Crippen, Patrick Cooney.
- II. Daniel O. Salmon, Alexander McKinstry.
- III. Addison G. Williams, John A. Clarke.
- IV. Oliver T. Burt, George J. Gardner.

1854

Mayor—ALLEN MUNROE.*City Clerk*—CARROLL E. SMITH.*City Treasurer*—S. HERVEY SLOSSON.*City Surveyor*—JOHN F. KIDDER.*Aldermen.*

- I. Patrick Cooney, Richard Sanger.
- II. Peter Ohneth, Jacob Pfohl.
- III. Alexander McKinstry, Solomon Wands.
- IV. Peter Featherly, Francis A. Thayer.
- V. William B. Durkee, Z. Lawrence Beebe.
- VI. John A. Clarke, Timothy Hough.
- VII. William C. Young, Robert M. Richardson.
- VIII. George J. Gardner, Tobias Van Dusen.

1855.

Mayor—LYMAN STEVENS.*City Clerk*—CARROLL E. SMITH.*City Treasurer*—S. HERVEY SLOSSON.*City Surveyor*—JOHN F. KIDDER.*Aldermen.*

- I. Richard Sanger, Timothy R. Porter.
- II. Jacob Pfohl, Peter Ohneth.
- III. Soloman Wands, Manly T. Hilliard.
- IV. Francis A. Thayer, William Kirkpatrick.
- V. Z. Lawrence Beebe, Vernam C. James.
- VI. Timothy Hough, Charles H. Wells.
- VII. Robert M. Richardson, Horatio N. White.
- VIII. Tobias Van Deusen, Elijah M. Ford.

1856.

Mayor—CHARLES F. WILLISTON.*City Clerk*—CARROLL E. SMITH.*City Treasurer*—EDGAR MARVIN.*City Surveyor*—BENJAMIN F. GREEN.*Aldermen.*

- I. Timothy R. Porter, Coddington B. Williams.
- II. Peter Ohneth, Peter Conrad.
- III. Manly T. Hilliard, Charles Manahan.
- IV. William Kirkpatrick, George Sanford.
- V. Vernam C. James, William B. Durkee.
- VI. Henry Church, Amos B. Hough.
- VII. Horatio N. White, Francis A. Marsh.
- VIII. James L. Bagg, Norman Watson.

1857.

Mayor—CHARLES F. WILLISTON.*City Clerk*—JAMES S. GILLESPIE.*City Treasurer*—HORACE WHEATON.*City Surveyor*—DANIEL RICHMOND.*Aldermen.*

- I. Coddington B. Williams, Patrick Cooney.
- II. Peter Conrad, Cornelius L. Alvord.
- III. Charles Manahan, John Ritchie.
- IV. George Sanford, William Kirkpatrick.
- V. John C. Manly, John J. Mowry.
(To fill vacancy.)
- VI. Amos B. Hough, Henry Church.
- VII. Francis A. Marsh, John Radigan.
- VIII. Norman Watson, Samuel J. Lackey.

1858.

Mayor—WILLIAM WINTON.*City Clerk*—JAMES S. GILLESPIE.*City Treasurer*—HORACE WHEATON.*City Surveyor*—JOHN F. KIDDER.*Aldermen.*

- I. Patrick Cooney.
- II. Frederick Gilbert.
- III. Charles Manahan.
- IV. James Johnson.
- V. Abiah P. Doane.
- VI. John L. Cook.
- VII. Robert M. Richardson.
- VIII. Samuel J. Lackey.

1859.

Mayor—ELIAS W. LEAVENWORTH.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—NORMAN OTIS.*City Surveyor*—JOHN F. KIDDER.*Aldermen.*

I. Harvey Hathaway.

V. David Field.

II. Adam Listman.

VI. Charles P. Clark.

III. Samuel P. Geer.

VII. Jason S. Hoyt.

IV. Luke Collins.

VIII. Austin Myers.

1860.

Mayor—AMOS WESTCOTT.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—JOHN G. K. TRUAIR.*City Surveyor*—JOHN F. KIDDER.*Aldermen.*

I. Harvey Hathaway.

V. David Field.

II. Adam Listman.

VI. Charles P. Clark.

III. Samuel P. Geer.

VII. Horatio N. White.

IV. Luke Collins.

VIII. Samuel J. Lackey.

1861.

Mayor—CHARLES ANDREWS.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—JOHN G. K. TRUAIR.*City Surveyor*—HAMILTON D. BORDEN.

Aldermen.

- | | |
|----------------------|------------------------|
| I. Garrett Doyle. | V. David Field. |
| II. Jacob Pfohl. | VI. Moses Summers. |
| III. Samuel P. Geer. | VII. Horatio N. White. |
| IV. Horatio G. Glen. | VIII. Ira Seymour. |

1862.

Mayor—CHARLES ANDREWS.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—JOHN G. K. TRUAIR.*City Surveyor*—BENJAMIN F. GREEN.*Aldermen.*

- | | |
|-----------------------|-----------------------|
| I. Garrett Doyle. | V. Josiah Bettis. |
| II. Benedict Haberle. | VI. Charles P. Clark. |
| III. Samuel P. Geer. | VII. Horatio N. White |
| IV. William Summers. | VIII. Ira Seymour. |

1863.

Mayor—DANIEL BOOKSTAVER.*City Clerk*—ROBERT M. BEECHER.*City Treasurer*—DANIEL J. HALSTED.*City Surveyor*—JAMES BURKE.*Aldermen.*

- | | |
|--------------------------|--------------------------|
| I. Franklin Ward. | V. Jacob Pinkerton. |
| II. Charles Meebold. | VI. Francis E. Carroll. |
| III. Francis H. Kennedy. | VII. Parley Bassett. |
| IV. Luke Collins. | VIII. George J. Gardner. |

1864.

Mayor—ARCHIBALD C. POWELL.*City Clerk*—EDWARD H. BROWN.*City Treasurer*—JOHN G. K. TRUAIR.*City Surveyor*—H. WADSWORTH CLARKE.*Aldermen.*

I. Franklin Ward.

V. Josiah Bettis.

II. Charles F. Wisehoon.

VI. Alfred Higgins.

III. Jacobus Bruyn.

VII. John J. Crouse.

IV. Horatio G. Glen.

VIII. Philander W. Hudson.

1865.

Mayor—WILLIAM D. STEWART.*City Clerk*—EDWARD H. BROWN.*City Treasurer*—JOHN G. K. TRUAIR.*City Surveyor*—HENRY F. GREENE.*Aldermen.*

I. Peter Mackin.

V. Anson A. Sweet.

II. Charles F. Wisehoon.

VI. Alfred Higgins.

III. Jacobus Bruyn.

VII. John J. Crouse.

IV. Charles Stroh.

VIII. James Bonner.

1866.

Mayor—WILLIAM D. STEWART.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—MOSES SUMMERS.*City Surveyor*—H. WADSWORTH CLARKE.

Aldermen.

- | | |
|--------------------------|-------------------------|
| I. Peter Mackin. | V. David Field. |
| II. John Graff. | VI. Alfred Higgins. |
| III. Edmund B. Griswold. | VII. Joseph E. Masters. |
| IV. Charles Stroh. | VIII. Robert Hewitt. |

1867.

Mayor—WILLIAM D. STEWART.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—CHARLES J. FOOTE.*City Surveyor*—HAMILTON D. BORDEN.*Aldermen.*

- | | |
|---------------------|------------------------|
| I. Samuel Kent. | V. Horatio G. Glen. |
| II. John Graff. | VI. Richard W. Jones. |
| III. Jacobus Bruyn. | VII. Miles Handwright. |
| IV. David Wilcox. | VIII. Robert Hewitt. |

1868.

Mayor—CHARLES ANDREWS.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—THOMAS S. TRUAIR.*City Surveyor*—H. WADSWORTH CLARKE.*Aldermen.*

- | | |
|------------------------|---------------------------|
| I. John McKeever. | V. John Stedman. |
| II. John Hirsch. | VI. Richard W. Jones. |
| III. Jacobus Bruyn. | VII. Benjamin L. Higgins. |
| IV. Nicholas Grumbach. | VIII. James Pinkerton. |

1869.

Mayor—CHARLES P. CLARK.*City Clerk*—EDGAR S. MATHEWS.*City Treasurer*—THOMAS S. TRUAIR.*City Surveyor*—H. WADSWORTH CLARKE.*Aldermen.*

I. Samuel Kent.

V. Horatio G. Glen.

II. Peter Miller.

VI. Alfred Higgins.

III. William H. Austin.

VII. Jacob Levi.

IV. Nicholas Grumbach.

VIII. James Pinkerton.

1870.

Mayor—CHARLES P. CLARK.*City Clerk*—SAMUEL W. SHERLOCK.*City Treasurer*—PARLEY BASSETT.*City Surveyor*—WILLIAM BURKE.*Aldermen.*

I. John McGuire.

V. Christopher C. Bradley.

II. Maximilian Blust.

VI. Samuel E. Kingsley.

III. Martin Smith.

VII. Jacob Levi.

IV. William Phillipson.

VIII. George Draper.

1871.

Mayor—FRANCIS E. CARROLL.*City Clerk*—SAMUEL W. SHERLOCK.*City Treasurer*—PARLEY BASSETT.*City Surveyor*—WILLIAM BURKE.

Aldermen.

- | | |
|-------------------------|----------------------------|
| I. John McGuire. | V. Christopher C. Bradley. |
| II. Jacob Knapp. | VI. Thomas Nesdall. |
| III. Alfred A. Howlett. | VII. Jacob Levi. |
| IV. William Phillipson. | VIII. Thomas G. Bassett. |

1872.

Mayor—FRANCIS E. CARROLL.*City Clerk*—SAMUEL W. SHERLOCK.*City Treasurer*—PARLEY BASSETT.*City Surveyor*—JOHN B. BORDEN.*Aldermen.*

- | | |
|----------------------|-------------------------|
| I. John McGuire. | V. Jacob Pinkerton. |
| II. John Demong | VI. Thomas Nesdall. |
| III. Richard Clancy. | VII. William Cahill. |
| IV. John Kohl. | VIII. E. Austin Barnes. |

1873.

Mayor—WILLIAM J. WALLACE.*City Clerk*—SAMUEL W. SHERLOCK.*City Treasurer*—PARLEY BASSETT.*City Surveyor*—JOHN B. BORDEN.*Aldermen.*

- | | |
|----------------------|--------------------------|
| I. John Cawley. | V. John H. Horton. |
| II. John Demong. | VI. John R. Whitlock. |
| III. Richard Clancy. | VII. William Cahill. |
| IV. John Kohl. | VIII. George J. Gardner. |

1874.

Mayor—NATHAN F. GRAVES.*City Clerk*—SAMUEL W. SHERLOCK.*City Treasurer*—PARLEY BASSETT.*City Surveyor*—JOHN B. BORDEN.*Aldermen.*

- | | |
|--------------------------|-----------------------|
| I. John Cawley. | V. John D. Gray. |
| II. John Demong. | VI. John R. Whitlock. |
| III. Richard Clancy. | VII. William Cahill. |
| IV. William Kirkpatrick. | VIII. James L. Hill. |

1875.

Mayor—GEORGE P. HIER.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—ALBERT L. BRIDGEMAN.*City Surveyor*—EDSON L. LUDDINGTON.*Aldermen.*

- | | |
|------------------------|-----------------------|
| I. Jeremiah F. Barnes. | V. William Dickison. |
| II. Adam Filsinger. | VI. Alfred Higgins. |
| III. Austin C. Wood. | VII. Albert M. Morse. |
| IV. Thomas Ryan. | VIII. James L. Hill. |

1876.

Mayor—JOHN J. CROUSE.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—JAMES B. RAE.*City Surveyor*—DENNISON RICHMOND.

Aldermen.

- | | |
|------------------------|------------------------|
| I. John Harvey. | V. Samuel Taylor. |
| II. John Demong. | VI. Alfred Higgins. |
| III. Timothy Sullivan. | VII. Albert M. Morse. |
| IV. Thomas Ryan. | VIII. Riley V. Miller. |

1877.

Mayor—JAMES J. BELDEN.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—STILES M. RUST.*City Surveyor*—HOWARD SOULE, JR.*Aldermen.*

- | | |
|------------------------|-----------------------|
| I. Jeremiah F. Barnes. | V. A. Clarke Baum. |
| II. John Listman. | VI. Alfred Higgins. |
| III. Timothy Sullivan. | VII. Albert M. Morse. |
| IV. J. Emmet Wells. | VIII. Jacob Crouse. |

1878.

Mayor—JAMES J. BELDEN.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—STILES M. RUST.*City Surveyor*—HOWARD SOULE, JR.*Aldermen.*

- | | |
|------------------------|--------------------------|
| I. John Harvey. | V. Pierce B. Brayton. |
| II. Philip Schaefer. | VI. Alfred Higgins. |
| III. Timothy Sullivan. | VII. Thomas McCarthy. |
| IV. J. Emmet Wells. | VIII. Dennis M. Kennedy. |

1879.

Mayor—IRVING G. VANN.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—TIMOTHY SULLIVAN.*City Surveyor*—EDSON L. LUDDINGTON.*Aldermen.*

- | | |
|------------------------|--------------------------|
| I. Andrew Martin. | V. Charles Hubbard. |
| II. Joseph Walier. | VI. Daniel Candee. |
| III. Anthony S. Webb. | VII. Dennis B. Keeler. |
| IV. Charles Schlosser. | VIII. Luther S. Merrick. |

1880.

Mayor—FRANCIS HENDRICKS.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—TIMOTHY SULLIVAN.*City Surveyor*—EDSON L. LUDDINGTON.*Aldermen.*

- | | |
|------------------------|--------------------------|
| I. Andrew Martin. | V. Greene W. Ingalls. |
| II. Joseph Walier. | VI. Daniel Candee. |
| III. Anthony S. Webb. | VII. William Cahill. |
| IV. Charles Schlosser. | VIII. Luther S. Merrick. |

1881.

Mayor—FRANCIS HENDRICKS.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—TIMOTHY SULLIVAN.*City Surveyor*—EDSON L. LUDDINGTON.

Aldermen.

- | | |
|-----------------------|--------------------------|
| I. Frederick Beley. | V. Richard Tremaine. |
| II. Jacob Eichenlaub. | VI. Willis B. Burns. |
| III. Anthony S. Webb. | VII. John Bedford. |
| IV. James Finegan. | VIII. Luther S. Merrick. |

1882.

Mayor—JOHN DEMONG.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—TIMOTHY SULLIVAN.*City Surveyor*—EDSON L. LUDDINGTON.*Aldermen.*

- | | |
|-----------------------|--------------------------|
| I. Frederick Beley. | V. Richard Tremaine. |
| II. Jacob Eichenlaub. | VI. Willis B. Burns. |
| III. Anthony S. Webb. | VII. John Bedford. |
| IV. James Finegan. | VIII. Luther S. Merrick. |

1883.

Mayor—THOMAS RYAN.*City Clerk*—LYMAN C. DORWIN.*City Treasurer*—CHARLES J. RAE.*City Surveyor*—JOHN B. BORDEN.*Aldermen.*

- | | |
|-----------------------|--------------------------|
| I. Frederick Beley. | V. John C. Keeffe. |
| II. Jacob Eichenlaub. | VI. Charles E. Candee. |
| III. Frank Matty. | VII. Thomas McManus. |
| IV. J. Emmet Wells. | VIII. Luther S. Merrick. |

1884.

Mayor—THOMAS RYAN.*City Clerk*—HENRY W. BANNISTER.*City Treasurer*—CHARLES J. RAE.*City Surveyor*—THOMAS GOODSSELL.*Aldermen.*

- | | |
|------------------------|------------------------|
| I. Hoyt H. Freeman. | V. William J. Gillett. |
| II. Charles Listman. | VI. Charles E. Candee. |
| III. Frank Matty. | VII. Thomas McManus. |
| IV. Frederick Schwarz. | VIII. James B. Brooks. |

1885.

Mayor—THOMAS RYAN.*City Clerk*—HENRY W. BANNISTER.*City Treasurer*—CHARLES J. RAE.*City Surveyor*—JOHN B. BORDEN.*Aldermen.*

- | | |
|----------------------|---------------------------|
| I. John Leahey. | V. John G. Glazier. |
| II. Charles Listman. | VI. Charles E. Candee. |
| III. James Downey. | VII. Thomas McManus. |
| IV. Philip Goettel. | VIII. Terrence D. Wilkin. |

1886.

Mayor—WILLIS B. BURNS.*City Clerk*—HENRY W. BANNISTER.*City Treasurer*—MICHAEL WHELAN.*City Surveyor*—WM. H. H. GERE.

Aldermen.

- | | |
|----------------------|--------------------------|
| I. John Leahey. | * V. Charles S. Haskins. |
| II. Charles Listman. | VI. Charles E. Candee. |
| III. James Downey. | VII. Peter E. Garlick. |
| IV. Jacob Galster. | VIII. Joseph W. Young. |

1887.

Mayor—WILLIS B. BURNS.*City Clerk*—HENRY W. BANNISTER.*City Treasurer*—MICHAEL WHELAN.*City Engineer*—WM. H. H. GERE.*Aldermen.*

- | | |
|--------------------------|------------------------|
| I. John Leahey. | VII. Peter E. Garlick. |
| II. Charles Listman. | VIII. Joseph W. Young. |
| III. Patrick R. Quinlan. | IX. Frank M. Sweet. |
| IV. Jacob Galster. | X. J. Phelps Shumway. |
| V. Charles C. Lott. | XI. John McLennan. |
| VI. Charles E. Candee. | |

1888.

Mayor—WILLIAM B. KIRK.*City Clerk*—HENRY W. BANNISTER.*City Treasurer*—MICHAEL WHELAN.*City Engineer*—JOHN B. BORDEN.

Aldermen.

- | | |
|--------------------------|-------------------------|
| I. John Leahey. | VII. Peter E. Garlick. |
| II. Peter Snavely. | VIII. C. Eugene Seager. |
| III. Patrick R. Quinlan. | IX. Frank M. Sweet. |
| IV. James Finegan. | X. John Scanlon. |
| V. Charles C. Lott. | XI. John McLennan. |
| VI. Charles E. Candee. | |

1889.

Mayor—WILLIAM B. KIRK.*City Clerk*—HENRY W. BANNISTER.*City Treasurer*—BENJAMIN W. ROSCOE.*City Engineer*—JOHN B. BORDEN.*Aldermen.*

- | | |
|------------------------|----------------------------|
| I. Thomas Small. | VII. Michael D. McAuliffe. |
| II. Peter Snavely. | VIII. C. Eugene Seager. |
| III. Frank Matty. | IX. Edward M. Klock. |
| IV. James Finegan. | X. John Scanlon. |
| V. Terrence D. Wilkin. | XI. John McLennan. |
| VI. Charles E. Candee. | |

1890.

Mayor—WILLIAM COWIE.*City Clerk*—HENRY F. STEPHENS.*City Treasurer*—BENJAMIN W. ROSCOE.*City Engineer*—HENRY C. ALLEN.

Aldermen.

- | | |
|--------------------------|----------------------------|
| I. Thomas Small. | VII. Michael D. McAuliffe. |
| II. Andrew Zinsmeister. | VIII. Charles F. Ayling. |
| III. Frank Matty. | IX. Edward M. Klock. |
| IV. Benjamin Stephenson. | X. Michael O'Neill. |
| V. Terrence D. Wilkin. | XI. John McLennan. |
| VI. Charles E. Candee. | |

1891.

Mayor—WILLIAM COWIE.*City Clerk*—HENRY F. STEPHENS.*City Treasurer*—BENJAMIN W. ROSCOE.*City Engineer*—HENRY C. ALLEN.*Aldermen.*

- | | |
|--------------------------|--------------------------|
| I. John Leahey. | VIII. Thomas Merriam. |
| II. Andrew Zinsmeister. | IX. Philip G. Brown. |
| III. Frank Matty. | X. Thomas McCarthy. |
| IV. Benjamin Stephenson. | XI. Fred. A. M. Ball. |
| V. Peter J. Mack. | XII. Edward C. Smith. |
| VI. Charles E. Candee. | XIII. Leonard S. Hamson. |
| VII. John J. Murray. | XIV. John S. Carter. |

1892.

Mayor—JACOB AMOS.*City Clerk*—HENRY F. STEPHENS.*City Treasurer*—PATRICK R. QUINLAN.*City Engineer*—HENRY C. ALLEN.

Aldermen.

- | | |
|--------------------------|--------------------------|
| I. John Leahey, | VIII. Eugene J. Mack. |
| II. Andrew Zinsmeister. | IX. Philip G. Brown. |
| III. Frank Matty. | X. William J. Nairn. |
| IV. Benjamin Stephenson. | XI. Fred A. M. Ball. |
| V. Peter J. Mack. | XII. Jay B. Kline. |
| VI. Robert C. McClure. | XIII. Leonard S. Hamson. |
| VII. John J. Murray. | XIV. John A. Tholens. |

1893.

Mayor—JACOB AMOS.*City Clerk*—HENRY F. STEPHENS.*City Treasurer*—PATRICK R. QUINLAN.*City Engineer*—HENRY C. ALLEN.*Aldermen.*

- | | |
|--------------------------|---------------------------|
| I. John Leahey. | XI. Robert Ballard. |
| II. Andrew Zinsmeister. | XII. Jay B. Kline. |
| III. Frank Matty. | XIII. Leonard S. Hamson. |
| IV. Benjamin Stephenson. | XIV. John A. Tholens. |
| V. Peter J. Mack. | XV. John Regan. |
| VI. Robert C. McClure. | XVI. Frederick A. Schuck. |
| VII. George Freeman. | XVII. Patrick J. McMahon. |
| VIII. Eugene J. Mack. | XVIII. Otto A. Thomas. |
| IX. George A. Ball. | XIX. John J. Murray. |
| X. William J. Nairn. | |

THE REVISED CHARTER
OF THE
CITY OF SYRACUSE.

PASSED FEBRUARY 21, 1885,

AND AS AMENDED BY THE SEVERAL AMENDMENTS FROM 1885 TO 1893 INCLUSIVE.

SUBSEQUENT AMENDMENTS OF SECTIONS AND SUB-DIVISIONS

INDICATED BY REFERENCES ATTACHED THERETO.

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

SECTION 1. The citizens of this State from time to time inhabitants of that portion of the territory of this State heretofore known as the city of Syracuse, shall continue to be a body politic and corporate by the name of "The City of Syracuse," and in that name may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey, such real or personal estate as the purposes of the corporation may require.

§ 2. All the real estate and personal property now owned or possessed by or held in the name of the city of Syracuse, or in trust for the mayor and common council of the city of Syracuse, are hereby vested in "The City of Syracuse," with power to hold or con-

Control of City
property.

vey the same as the purposes of said corporation may require. The said corporation shall also have the powers and privileges conferred by the statutes of this State upon corporations as well as those conferred by this act, which shall be known as "The Revised Charter of the City of Syracuse."

Boundaries of
the City.

§ 3.* The boundaries of said city shall be as follows: Beginning at the northeast corner of the Onondaga Salt Springs Reservation and the southeast corner of lot number twenty-eight of the military township of Manlius, and running thence westerly along the north line of said Salt Springs Reservation to the southeast corner of Woodlawn cemetery; thence northerly, westerly and southerly along the east, north and west lines of said cemetery, to the north line of Manlius street; thence westerly along the north line of said street and the northeasterly line of Third North street, to the northeasterly line of the said Salt Springs Reservation; thence northwesterly along said reservation line to the northwesterly bank of the present channel of Bear Trap creek at or near the northerly corner of Marsh lot number forty-seven; thence southwesterly along the northwesterly bank of the present channel of said creek to the northeasterly line of Spring street; thence northwesterly along said line of Spring street and the Liverpool road to a point opposite the most northerly corner of Marsh lot number twenty-two in said reservation; thence southwesterly across said Liverpool road, and along the northwesterly lines of said Marsh lot number

*As amended by Chapter 368 of the Laws of 1887.

twenty-two, and reclaimed lot number three, to low-water mark of Onondaga lake; thence in a straight line southwesterly across said lake to the most northerly corner of reclaimed lot number thirty-nine; thence southwesterly along the northwesterly line of said reclaimed lot number thirty-nine and of farm lot number fifty-four of said Salt Springs Reservation, to the "blue line," so-called, of the enlarged Erie canal; thence westerly along said "blue line" to a point in range with the southwesterly line of Willis avenue, formerly Quince street; thence southeasterly to and along said line of Willis avenue, formerly Quince street, to the northerly line of lands of the Auburn branch of the New York Central and Hudson River railroad; thence westerly along said line of said railroad lands to the west line of farm lot number three hundred and thirty of said Salt Springs Reservation; thence southerly along the westerly line of farm lots number three hundred and thirty and one hundred and forty-three to the southwest corner of said farm lot number one hundred and forty-three; thence easterly along the southerly line of said farm lot number one hundred and forty-three to a point in a northwesterly prolongation of the southwesterly line of Myrtle street; thence southeasterly in a straight line to and along said line of Myrtle street to the most northerly corner of Geddes cemetery; thence southwesterly, southeasterly and northeasterly, along the northwesterly, southwesterly and southeasterly lines of said cemetery, to the southwesterly line of said Myrtle street; thence southeasterly along said line of said street to the southeasterly line of

Tompkins street, formerly Fifth South street; thence northeasterly along said line of Tompkins street, formerly Fifth South street, to a point in range with the southwesterly line of Avery avenue, formerly Filbert street; thence southeasterly in a prolongation of said line of Avery avenue, formerly Filbert street, to the westerly line of Avery avenue, formerly the Onondaga Hill road, so-called; thence southerly along said westerly line of said road to the south line of the Onondaga Salt Springs Reservation, aforesaid; thence easterly along said south line of said reservation to the northwest corner of lot number seventy-five of the late Onondaga Reservation; thence southerly along the west line of said lot number seventy-five to the south line of Stolp avenue, as shown upon a map of the Cowles tract, so-called; thence easterly along the south line of said avenue to the westerly line of Onondaga street; thence southerly along said line of Onondaga street to the easterly line of Cortland avenue; thence northerly along said line of said avenue to the left bank of the present channel of Onondaga creek; thence up along the left or westerly bank of said creek as it winds and turns, to a westward prolongation of the south line of lot number ninety-three of said last mentioned Reservation; thence easterly to and along said line of said lot number ninety-three, to the westerly line of the lands of the Syracuse, Binghamton and New York railroad; thence southeasterly along said line of said railroad lands to the south line of lot number ninety-four of said late Onondaga Reservation; thence easterly along the south line of said lot number ninety-four and lot number ninety-five

to the east line of said Reservation; and thence northerly along the east line of said Reservation and of the Onondaga Salt Springs Reservation aforesaid to the place of beginning.

§ 4.* The said city shall be divided into nineteen wards, bounded and described respectively as follows : Ward divisions and boundaries.

FIRST WARD.—All that part of said city bounded as 1st Ward. follows : Beginning in the northeasterly line of said city at its intersection with the center line of Court street and running thence southwesterly along the center line of said street to the center of Oswego canal ; thence southeasterly along the center line of said canal to a point in range with the southeasterly line of Marsh lot number thirty-four ; thence southwesterly to and along said line of Marsh lot to the center of Onondaga creek ; thence down along the center of the present channel of said creek and the same prolonged into Onondaga lake to the northwesterly line of the city ; thence northeasterly and southeasterly along said city line to the place of beginning, shall constitute the first ward.

SECOND WARD.—All that part of said city bounded 2nd Ward. as follows : Beginning in the northeasterly line of said city, at its intersection with the center line of Court street, and running thence southwesterly along the center line of said street to the center of the Oswego canal ; thence southeasterly along center of said canal

*As amended by chap. 368 of 1887 ; chap. 110 of 1890 ; chap. 15 of 1891 ; chap. 571 of 1892 ; chap. 3 of 1893,

to a point opposite the center of Division street ; thence northeasterly along the center of said street to the center of Townsend street ; thence northwesterly along the center of Townsend street to a point opposite the center of Pond street ; thence northeasterly along the center of Pond street to the center of Third North street ; thence easterly along the center of Third North street to the city line ; and thence northwesterly along the same to the place of beginning, shall constitute the second ward.

3rd Ward. **THIRD WARD.**—All that part of said city bounded as follows : Beginning at the intersection of the center lines of the Erie and Oswego canals, running thence westerly along the center of said Erie canal to the center of Leavenworth avenue ; thence northerly along the center of Leavenworth avenue to the boundary line of the first ward ; thence northeasterly along the line of said first ward to the center of the Oswego canal, and thence southeasterly along the center of said canal to the place of beginning, shall constitute the third ward.

4th Ward. **FOURTH WARD.**—All that part of said city bounded as follows : Beginning at the intersection of the center of the Oswego canal with the center of James street and running thence southerly to the center of the Erie canal ; thence easterly along the center of the Erie canal to the city line ; thence northerly along said city line to the center of James street ; and thence southwesterly along the center line of James street to the place of beginning, shall constitute the fourth ward.

FIFTH WARD.—All that part of said city bounded as 5th Ward. follows : Beginning at the intersection of the center of the Erie canal with the center of Onondaga creek and running thence westerly along the center of said canal to a point opposite the center of Tioga street ; thence southerly along the center of Tioga street to the center of Fabius street ; thence westerly along the center of Fabius street to the center of Oswego street ; thence southerly along the center of Oswego street to the center of Merriman avenue ; thence easterly along the center of Merriman avenue to the center of Kellogg street ; thence northeasterly on Kellogg street to the center of Slocum avenue ; thence southeasterly on Slocum avenue to the center of West Onondaga street ; thence northeasterly along the center of West Onondaga street to Onondaga creek ; thence down along the center of said creek to the place of beginning, shall constitute the fifth ward.

SIXTH WARD.—All that part of said city bounded as 6th Ward. follows : Beginning in the center of the Erie canal in range with the center line of Montgomery street and running thence southerly to and along the center of said street to the center of Jefferson street ; thence east along the center of Jefferson street to the center of the south part of Montgomery street ; thence southerly along the center line of Montgomery street to the center of Harrison street ; thence westerly along the center line of Harrison street to the center of West Onondaga street ; thence southwesterly along the center of West Onondaga street to the center of Onon-

daga creek ; thence northwesterly and northerly down along the center of said creek to the center of the Erie canal ; thence easterly along the center of the Erie canal to the place of beginning, shall constitute the sixth ward.

7th Ward. SEVENTH WARD.—All that part of said city bounded as follows : Beginning in the center of the Erie canal at the northeast corner of the sixth ward hereinbefore described, and running thence southerly along the easterly line of the sixth and eighteenth wards to the center of Adams street ; thence easterly along the center line of Adams street to the center of Almond street ; thence northerly along the center line of Almond street to the center of the Erie canal ; and thence west along the center of said canal to the place of beginning, shall constitute the seventh ward.

8th Ward. EIGHTH WARD.—All that part of said city bounded as follows : Beginning at the intersection of the center of the Erie canal with the center of Almond street, and running thence southerly along the center line of Almond street to the center of Burt street ; thence easterly along the center line of Burt street to the center of Renwick avenue ; thence southerly along the center line of said avenue to the easterly line of lands owned and occupied by the Delaware, Lackawanna and Western railroad for a right of way ; thence southerly along the easterly line of said railroad lands to the northwest corner of Oakwood cemetery ; thence easterly along the north line of said cemetery to the east line of farm lot number one hundred and eighty-seven

of the Onondaga Salt Springs Reservation ; thence northerly along the east line of said farm lot and the west line of Jay street to the south line of University Place ; thence westerly along the south line of University Place to a point opposite the center of University avenue ; thence northerly along the center line of said avenue to the center of Erie canal ; and thence westerly along the center of said canal to the place of beginning, shall constitute the eighth ward.

NINTH WARD.—All that part of said city lying west ^{9th} Ward. of the thirteenth, fifteenth and seventeenth wards and south of the center line of Genesee street, shall constitute the ninth ward.

TENTH WARD.—All that part of said city lying west ^{10th} Ward. of the fifteenth ward, and north of the center line of Genesee street, shall constitute the tenth ward.

ELEVENTH WARD.—All that part of the city lying ^{11th} Ward. south of the thirteenth, eighteenth, nineteenth, eighth and fourteenth wards, shall constitute the eleventh ward.

TWELFTH WARD.—All that part of said city bounded ^{12th} Ward. as follows: Beginning at the intersection of the center line of James street with the center of the Oswego canal ; thence northwesterly along the center of said canal to a point opposite the center of Butternut street ; thence northeasterly and northerly along the center line of Butternut street to the city line ; thence easterly, northerly, easterly, southerly, easterly and southerly

along said city line to the center of James street ; thence southwesterly along the center line of James street to the place of beginning, shall constitute the twelfth ward.

13th Ward. THIRTEENTH WARD.—All that part of said city bounded as follows: Beginning at the intersection of Geddes street with the center of Merriman avenue and running thence southerly along the center of Geddes street to the center of Bellevue avenue to an angle in the city line ; thence southerly, easterly, southeasterly and northerly along said city line to Onondaga creek ; thence down along the center of said creek to the center of West Onondaga street ; thence southwesterly along the center of West Onondaga street to the center of Slocum avenue ; thence northwesterly along the center of Slocum avenue to the center of Kellogg street ; thence southwesterly on Kellogg street to the center of Merriman avenue ; and thence westerly along the center of Merriman avenue to the place of beginning, shall constitute the thirteenth ward.

14th Ward. FOURTEENTH WARD.—All that part of said city bounded and described as follows: Beginning at the intersection of the center of the Erie canal with the center of University avenue, and running thence southerly along the center line of said avenue to the south line of University Place ; thence easterly along said south line of University Place to the west line of Jay street ; thence southerly along the west line of Jay street and the east line of farm lot number one hundred and eighty-seven of the Onondaga Salt Springs Reser-

vation to the south line of said Reservation; thence easterly along the said Reservation line to the east line of said city; thence northerly along the said city line to the center of Erie canal, and thence westerly along the center line of said canal to the place of beginning, shall constitute the fourteenth ward.

FIFTEENTH WARD.—All that part of said city ^{15th Ward.} bounded as follows: Beginning at the center lines of Leavenworth avenue and the Erie canal, running thence westerly and northwesterly along the center of said Erie canal to the northwesterly line of said city; thence northeasterly along said city line to the northwesterly corner of the first ward; thence southeasterly along the line of said first ward to the northwesterly corner of the third ward; thence southerly along the line of the third ward to the place of beginning, shall constitute the fifteenth ward.

SIXTEENTH WARD.—All that part of the city ^{16th Ward.} bounded as follows: Beginning in the center of Oswego canal, at a point opposite Division street; thence southeasterly along the center line of said canal to a point opposite the center of Butternut street; thence northeasterly and northerly along the center of said street to the center of Third North street; thence westerly along the center of Third North street to the center of Pond street; thence southwestwardly along the center of Pond street to the center of Townsend street; thence southeasterly along the center of Townsend street to the center of Division street; thence southwestwardly

along the center of Division street to the place of beginning, shall constitute the sixteenth ward.

17th Ward. SEVENTEENTH WARD.—All that part of said city bounded as follows: Beginning at the center of the Erie canal at a point opposite of Tioga street, and running thence westerly along the center of said canal to the center of Geddes street; thence southerly along the center of Geddes street to the center of Merriman avenue; thence easterly along the center of Merriman avenue to the center of Oswego street; thence northerly along the center of Oswego street to the center of Fabius street; thence easterly along the center of Fabius street to the center of Tioga street; thence northerly along the center of Tioga street to the place of beginning, shall constitute the seventeenth ward.

18th Ward. EIGHTEENTH WARD.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of Montgomery and Harrison streets, and running thence southerly along the center line of Montgomery street to the center of Burt street; thence west along the center line of Burt street to the center of South Salina street; thence southerly along the center line of South Salina street to the Onondaga Salt Springs Reservation; thence westerly along said reservation line to Onondaga creek; thence northerly down along the center of the present channel of said creek to the center of West Onondaga street; thence northeasterly along the center line of West Onondaga street to the center of Harrison street; and thence easterly along

the center line of Harrison street to the place of beginning, shall constitute the eighteenth ward.

NINETEENTH WARD.—All that part of the said city ^{19th Ward.} bounded as follows: Beginning at the intersection of the center line of Adams and Montgomery streets, and thence running southerly along the easterly line of the eighteenth ward to the south line of the Onondaga Salt Springs Reservation; thence easterly along said reservation line to the east line of lands of the Delaware, Lackawanna and Western railroad; thence northerly along the easterly line of said railroad lands to the center of Renwick avenue; thence northerly along the center line of Renwick avenue to the center of Burt street; thence west along the center of Burt street to the center of Almond street; thence northerly along the center of Almond street to the center of Adams street; and thence westerly along the center line of Adams street to the place of beginning, shall constitute the nineteenth ward.

§ 2. The ward officers in office when this act takes effect shall continue to hold office and represent the wards for which they were respectively elected until the expiration of the full term of office. At the charter election in the year eighteen hundred and ninety-three aldermen, supervisors, school commissioners, constables and inspectors of election shall be elected in the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth wards. The term of office of the aldermen and school commissioners elected for the sixteenth and

Ward officers,
terms and
election of.

eighteenth wards at such election shall be one year, and thereafter the term of office of the aldermen elected for such wards shall be two years.

TITLE II.

OFFICERS ELECTED AND CITY ELECTIONS.

City officers.
How elected. SECTION 5. * The officers of the city to be elected by general ticket shall be the mayor, the police justice, four assessors, six justices of the peace and one overseer of the poor.† Of such six justices of the peace, one, and one only, shall reside and keep his office in the first ward, one shall keep his office in the third ward, one and one only shall reside and keep his office in the ninth or tenth ward, and one, and one only, shall reside and keep his office in the eleventh ward.

Ward officers. § 6. ‡ The electors of each ward shall also elect one alderman, one supervisor and one constable ; and the electors of each election district shall also elect in the manner prescribed by law, three inspectors of election. Such ward officers and inspectors of election shall be elected on the day of the general city election.

Eligibility to office. § 7. † SUBDIVISION 1. No person shall be eligible to any office mentioned in section five, unless he shall be, at the time, a resident elector of the city ; nor shall any person be eligible to any office mentioned in section six, unless he shall be, at the time, a resident elector of the ward or district in which he shall be elected.

*As amended by chapter 368 of the Laws of 1887.

†Repealed by chapter 342 of the Laws of 1892.

‡As amended by chap. 131 of the Laws of 1893.

2. There shall also be elected on the day of the general city election, in each ward where a vacancy of such officer shall have occurred or where the term of office of such officer shall then expire, one commissioner of common schools.

3. No person shall be deemed to be ineligible to serve as commissioner of common schools by reason of sex who has the other qualifications now required by law.

4. All persons, without regard to sex, who are eligible to the office of commissioner of common schools and have the other qualifications now required by law, shall have the right to vote for commissioner of common schools in the various wards of the city.

5. All persons so entitled to vote for commissioner of common schools shall be registered, as provided by law for those who vote for city officers ; and whenever commissioners of common schools are to be elected at the ensuing election it shall be the duty of the city clerk to prepare a ballot to be used exclusively by those who, by reason of sex, can only vote for commissioners of common schools. Said ballot shall be substantially in size and appearance like the other ballots provided by law, with the additional indorsement " school commissioner" and distributed to the several polling places in the same manner.

§ 6. It shall be the duty of inspectors of election to give to such persons as are only entitled to vote for the office of commissioner of common schools such ballots

as contain the names only of candidates for that office, and to deposit the ballot selected by such persons in the ballot-box wherein other ballots are placed provided such persons are properly registered and who shall have selected their ballots in the same manner and form as is required of those who vote for other ward officers; and no ballot then voted by persons only entitled to vote for commissioner of common schools shall be counted in case it is found to contain, when canvassed, the name of any person for any other office than that of commissioner of common schools. All ballots furnished by the city clerk for the use of those persons who can only vote for commissioner of common schools, shall be separate and distinct from the other ballots, and given only to those who are not privileged to vote for any other officer.

Separate
ballots.

Number of
voters in
district, ascer-
tainment of.

§ 7. In ascertaining the number of those who have a right to vote in any one polling district for the purpose of determining whether such district has more than three hundred voters, it shall not be necessary to count those who, by reason of sex are denied the right to vote only for the office of commissioner of common schools.

Annual
election.

Polling places.

§ 8. The annual city election shall be held on the third Tuesday in February, in each year, and the polls of election in each election district of the city shall be held at such places as the common council shall appoint. Six days previous notice of such election shall be given by the clerk of said city, by posting printed or written notices in three public places in each ward, signed by

Notice of
election.

the mayor and clerk, and by publishing the same in at least two of the daily newspapers printed in the city for one week next preceding such election. The polls of such election shall be open at eight o'clock in the morning and continue open until five o'clock in the afternoon of the same day, and no longer.

§ 9. The electors shall vote by ballot. Each person offering to vote shall deliver his ballot so folded as to conceal its contents to one of the inspectors in the presence of the board. The ballot shall be a white paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen ; but no ballot shall contain a greater number of names of persons as designated to any office than there are persons to be chosen at the election to fill such office. The word " city " shall be indorsed on the outer side of each ballot, containing the names of officers mentioned in section five of this title, and the word " ward " upon the outer side of each ballot, containing the names of officers mentioned in section six of this title. Such ballots shall be deposited in separate boxes ; but no ballot found in the proper box shall be rejected for want of such indorsement.

Opening and closing the polls.

Ballots, how delivered.

Ballots and contents.

City ticket.

Ward ticket.

Ballot boxes.

§ 10. Every person who shall have been a citizen for ten days, an inhabitant of this State for one year, a resident of the county of Onondaga four months, and of the city of Syracuse thirty days last preceding any

Qualification of voters.

For city
officers.

election for city officers, shall be entitled to vote for any or all of the officers to be elected by general ballot; and any such person, who shall for the last thirty days have been a resident of the ward or election district in which he shall offer his vote, shall be entitled to vote in said ward or election district, and not elsewhere, for any or all of the officers to be chosen at such election for such ward or district.

For ward
officers.

Provisions of
general elec-
tion law.

§ 11. The provisions of law in respect to elections for the State and county officers shall apply to elections of officers under this act, as far as the same are applicable.

Canvass of
votes.

§ 12. Immediately after the polls of any election shall have closed and on the same day the inspectors holding the election in each ward or election district shall canvass the votes given at such election; after thus canvassing the votes, they shall make a statement in writing, which shall be signed by them, or a majority of them, determining and certifying the number of votes cast at such election, for each person voted for thereat, for city and ward officers, which statement shall immediately thereafter be delivered by said inspectors to the city clerk.

Statement of
result.

How filed.

Common
Council to can-
vass returns.

§ 13. The clerk shall deliver such statement and certificates to the common council at their next meeting, which shall be on the next Thursday after the annual election in each year, and they shall, upon such statement and certificates, declare and determine what persons have been duly elected to the respective offices

voted for at such election; the persons having the greatest number of votes for the respective offices to be filled by general ticket for the whole city, and those having the greatest number of votes for the offices to be filled by the electors of the several election districts or wards, shall be declared duly elected.

Declaration of
result.

§ 14. If at any election authorized by this act, the mayor, police justice, justice of the peace, supervisor or alderman shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, a special election shall be ordered by the common council within five days after such election; and the common council shall cause such notice as is required for a general city election to be posted and published for at least five days previous to such special election. The provisions of law in respect to the annual election, as far as the same are applicable, shall apply to such special election. Vacancies in the office of supervisor or alderman, shall be filled by special election to be ordered by the common council in the same manner as provided in this section; all other vacancies not otherwise provided for by law shall be filled by the common council, by appointment by ballot, except in cases where the office was originally filled by appointment of the mayor, in which case the vacancy shall be filled by the mayor's appointment. All vacancies filled by election or appointment shall be for the balance of the unexpired term.

Tie vote.

Special
election,

Notice.

Vacancies,
how filled.

TITLE III.

OFFICERS APPOINTED AND MODE OF APPOINTMENT.

Appointive
city officers.

§ 15.* The officers of the city, to be appointed, shall be a president of the council, a city clerk, a city treasurer, a commissioner of public works, a city engineer, a corporation counsel, a mayor's clerk, an examiner of weights and measures, a weigher of hay, two hundred and fifty commissioners of deeds and such sextons, pound-keepers and other subordinate officers as the council shall by resolution declare to be necessary, which resolution shall state the term of office, not exceeding one year, and the duties to be performed by such subordinate officers respectively.

Officers ap-
pointed by the
Mayor.

Appointments
by the Com-
mon Council.

§ 16.† The mayor shall appoint the commissioner of public works, the city engineer, the corporation counsel, and the mayor's clerk ; the others shall be appointed by the common council by ballot.

Term of office.

§ 17.* The city clerk and city treasurer shall be appointed for a term of three years. The corporation counsel and commissioner of public works for a term of two years, and all other appointed officers for a term of one year, except as provided in section fifteen of the act hereby amended.

Officers hold-
ing over.

All officers designated and created by this act shall respectively hold over and perform the duties of their several offices until their successors shall qualify.

*As amended by chap. 475 of 1889. Also chap. 626 of Laws of 1892.

†As amended by chap. 475 of Laws of 1889.

TITLE IV.

POWERS OF THE COMMON COUNCIL.

§ 18. The legislative powers of the city of Syracuse shall be vested in the common council. The aldermen of said city, when assembled, or a quorum thereof, shall constitute the common council; and in the proceedings thereof each member present shall have a vote. A majority of the aldermen elected shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members.

Legislative powers.

Quorum.

§ 19.* The common council shall meet annually on the first Monday after the annual election at eight o'clock in the afternoon at the city hall, or council-room for the time being; and at such other times as they, by resolution, shall designate. At such first meeting, the mayor, and the common council may make their respective appointments of officers.

Annual meeting time and place.

May make appointments.

§ 20.† Every rule, by-law, ordinance, resolution or regulation of the common council, before it takes effect, shall receive the affirmative vote of a majority of all the members elected to the common council, and, excepting rules for their own government, and appointing officers, shall be presented duly certified by the city clerk to the mayor; if he approves it he shall sign it. In which case it shall take effect immediately thereafter, unless otherwise provided therein; if he does not approve it,

Vote required to transact business.

Exception.

Mayor's veto.

*As amended by chap. 626 of Laws of 1892.

†As amended by chap. 449 of the Laws of 1888.

Time in which he shall return it with his objections to the city clerk to veto.

within ten days after he shall have received it. The

Consideration of veto and vote necessary to defeat. common council shall then proceed to reconsider the same, and if two-thirds of all the members elected

shall vote to pass the same, it shall take effect in like manner as if he had signed it. In every such case

Vote to be recorded.

the vote shall be taken by ayes and nays and entered on the minutes, and the objections of the mayor shall

Mayor's veto to be recorded in full.

also be entered at length by the clerk with the other proceedings.

Effect in case Mayor does not sign nor veto.

If such ordinance, by-law, rule, resolution or regulation shall not be returned by the mayor within ten days after he received it, it shall thereupon take effect in like manner as if he had signed it.

Mayor may veto part of annual budget or bills and accounts.

§ 21.* The mayor may object to one or more of the items appropriating money of the annual budget while approving the other items thereof. And, in like manner, when any resolution of the common council provides for the payment of two or more bills or accounts, he may object to any one or more of them while approving the others. In any such case he shall append to the resolution, at the time of signing it, a statement of the item or items to which he objects, and the item or items so objected to shall not take effect except as hereinafter provided. The mayor shall transmit to the common council a copy of such statement, and the items objected to by him shall be separately considered. If, on such reconsideration,

Consideration of such veto.

*As amended by chap. 368 of the Laws of 1887.

one or more of such items be approved by two-thirds of all the members elected to such common council, the same shall take effect, notwithstanding the objections of the mayor.

§ 22. In addition to the powers conferred by this act, the common council of said city shall have power to make, establish, publish, modify, ordain, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:—

1. To manage and regulate the finances, and to regulate, preserve and dispose of the real and personal property of the city.

2. To light the streets and public buildings of the city, and to supply the city with water.

3.* To prescribe the terms and conditions upon which license shall be granted; to license, regulate and restrain traffic and sales in the streets, highways, roads and public places; to regulate, tax and license auctioneers, and the sale of goods at auction, and the vending and selling of goods within the city by non-residents thereof; to license and regulate milk dealers and milk peddlers, and the vending and sale of milk within the city limits, and provide for, regulate and enforce the visitation and inspection of all dairies, dairy farms and milk depots where such milk is produced, or from which it is obtained, the cows and other live stock,

Powers of
Common
Council.

Finances and
city property.

Street lighting
and water
supply.

Powers of
Council.

Licenses,
street traffic
and sales.

Auctioneers,
etc.

Milk dealers
and peddlers.

Inspections of
dairies, etc.

*As amended by chap. 475 of Laws of 1889 which was amended by chap. 531 of Laws of 1893.

food, water, water supply, stables, houses, barns, cellars, milk houses, buildings, cans, pails, coolers and other utensils used therein or pertaining thereto, whether the same be within the city limits or not.

Use of streets.

4.* To regulate the use of streets, highways, roads

Rail Roads.

and public places by foot passengers, vehicles, street cars, railways and locomotives ; to prohibit or regulate the use of locomotive engines and of steam, and to regulate other motive power and speed, on any portion of any railroad within the city ; to require any railroad company to keep a flagman or gates at each railroad

Inspection of steam engines and boilers.

crossing of a public street ; to provide for the inspection of steam engines and boilers, used in the city, and to prohibit the use of unsafe ones ; to prohibit any person who has not been duly licensed under such regulations as the common council may prescribe, from running any steam engine, stationary or otherwise, in the city except the engineers of duly incorporated steam railroads, and engineers duly authorized by the authorities of the United States, to classify such engineers and to provide for the appointment, by the mayor, of such inspectors, examiners and employees as may be required to carry out such ordinance ; any inspector appointed under the provisions of this subdivision shall be a practical boiler-maker, and shall hold office for one

Removal of electrical conductors, etc., from overhead in streets.

year unless sooner removed for cause, to require that telegraph, telephone or electric light wires or cables, or other appliances for conducting electricity, except trolley and feed wires, poles and fixtures used in operating

*As amended by chap. 531 of Laws of 1893.

street railroads, and the poles thereof heretofore erected in any street, alley or public ground within a radius of one-half mile from the swing-bridge in Salina street be removed from overhead in such street, alley or public ground, or any part thereof, within reasonable time, not less than three months after the enactment of such ordinance; and a compliance with such ordinance in respect to the removal of poles, wires, cables and other appliances for conducting electricity from such streets, alleys, and public grounds, may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. No company, corporation or individual shall place its wires and electrical conductors in conduits under the surface of the streets, alleys or public grounds in such manner as to unnecessarily interfere with the use of such street, alley, or public grounds, or local improvements of any character or with the sewers or water, or gas mains or branches thereof, nor without first obtaining the consent of the common council, subject to such regulations and restrictions as the common council may by ordinance make, or impose, in respect thereto, for the benefit of the public, the city or its citizens, and under the direction and supervision of the commissioner of public works; provided, however, that nothing herein contained shall be construed as authorizing the common council to require that any particular patent or appliance shall be used in the construction of the conduits hereinbefore provided for. And any com-

Placing of same in conduits under ground.

Removal or alteration of conduits.

underground in any street, alley or public ground of said city, shall, upon notice from the city, or any of its departments that a local improvement or sewer or water main, or branch thereof, is to be constructed in such manner as will necessitate the moving or altering of the conduit or conduits, by said individual, company or corporation, move or alter the same at its own expense so as to permit the construction of the improvement where ordered, and should any person, company or corporation omit to comply with such notice, the conduit or conduits may be altered or moved by the city, and the cost and expense thereof recovered from such individual, company or corporation.

Erection of poles, wires, etc.

To regulate the erection of telegraph, electric-light and telephone poles, wires, cables and other electrical conductors, and to require that such wires, cables and other electrical conductors within the radius of one-half mile from the swing bridge in Salina street be placed underground, subject to such restrictions and regulations as it may make by general ordinance, but nothing in this section contained shall affect any grant or consent heretofore made or given pursuant to general laws, as to any matter provided for in and by such grant or consent.

Proviso as to grants made.

Use of walks and building fronts.

5. To regulate the use of sidewalks, building fronts and house fronts within stoop lines.

Encroachments in streets, etc.

6. To prevent encroachments upon and obstructions to the streets, highways, roads and public places within the city.

7. To regulate the opening of street surfaces, the laying of gas and water mains, the building, repairing and cleaning of sewers, and the erection of gas or other lamp-posts or devices for lighting the streets. Opening of street surface.

8. In relation to the management, construction, care and use of markets, docks, wharves, piers, slips, squares, city parks and other public property of the city. Use of markets and public places.

9. To provide for and to regulate the opening, widening, narrowing and extending of streets, lanes, alleys and courts, and also to provide for the grading, paving, regrading, re-paving and repairing of the same. Opening and repairing of streets.

10.* To regulate the numbering of the houses, buildings and lots on the streets, avenues, alleys and public places in the city, and the naming of the streets, avenues, lanes, alleys, courts and public places therein. To purchase and place suitable signs for names of streets and numbers of buildings, and to assess the expense of such numbering upon the property benefited thereby, and to collect the same with the next city tax. Numbering of houses, etc.
Street signs.
Cost of numbering; how paid.

11. To regulate and prevent the throwing or depositing of ashes, offal, dirt, or garbage in the streets, alleys, lanes and public places, and in the drains, sewers and vaults. Depositing garbage, etc., in public places.

12.† To license, tax, regulate or prohibit animals running at large or being driven, led or ridden through Dogs and animals in streets.

*As amended by chap. 368 of Laws of 1887, and chap. 449 of Laws of 1888.

†As amended by chap. 531 of Laws of 1893.

Registration
of dogs.

the city ; to license and tax dogs, and regulate and prohibit the owning or harboring of the same, and to compel the registration thereof, and to require that each such dog so licensed and registered shall wear at all times a collar marked in such manner as the common council may designate.

Cleaning of
public places.

13. To regulate the cleaning of the streets, alleys, lanes and public places, and the sidewalks and gutters therein ; and the removing of ice, hail and snow therefrom.

Signs, awn-
ings, hitching
posts, etc.

14. To regulate the use of streets and sidewalks for signs, sign-posts, awnings, awning-posts, hitching-posts, horse troughs, horse blocks and public fountains.

Pavements,
side walks, etc.

15.* To provide for and regulate street pavements, crosswalks, curbstones, gutter stones and sidewalks, and to designate and determine the kind and quality of materials for the same ; to regulate and compel the making of the proper connections between the premises abutting on any street, or part of a street, and any water or gas main or sewer or electrical conduit therein.

Water, gas,
sewer, etc. ;
connections.

Slaughter
houses and
unwholesome
places.

16.* To regulate the location and erection of slaughter houses and abattoirs within the city ; to locate, regulate and remove butchers' stalls, fertilizer factories, soap factories, fish stands, livery stables, tanneries, and unwholesome and noisome buildings or places, and to compel the cleaning of the same whenever necessary ;

*As amended by chap. 531 of Laws of 1893.

to regulate and prohibit the construction of private or public sewers, sinks and privies ; to prevent the sale ^{Ice.} for domestic use of ice frozen from dirty or impure water ; to prevent the adulteration of any article used ^{Adulteration of food, etc.} for food or drink, and provide for the inspection thereof.

17. To regulate and adopt all legal and necessary ^{Collection of taxes.} measures for levying and collecting taxes and assessments.

18. To limit and define the duties which are by this ^{Define official duties.} act required to be performed by the several officers of the city ; to prescribe such other or further duties to be performed by them or any of them as the common council may deem proper ; to regulate the relations ^{Regulate official relations.} between the officers of the city in respect to each other, the corporation and the public ; and to fix the amount ^{Fix compensation not otherwise provided for.} of their compensation where the same is not otherwise provided for by law or this act.

19. To restrain and punish street beggars, vagrants ^{Beggars and vagrants.} and mendicants.

20. In relation to the exhibition of advertisements ^{Advertisements.} or hand-bills around the streets, whether on horseback, in vehicles or on the sidewalk, and also in regard to itinerant peddlers, quack medicine venders and other ^{Peddlers and hawkers.} hawkers in the public streets or highways of the city.

21.* To license, regulate or prohibit theatrical or ^{Authority over public exhibitions.} opera performances, concerts, acrobatic, circus or other

*As amended by chap. 531 of Laws of 1893.

exhibition of common showmen, public billiard rooms or bowling alleys, the advertising of curiosities or feats of legerdemain and necromancy.

Intoxication
or disturbance
in the streets.

22. In relation to intoxication, fighting, quarreling, and the use of blasphemous, obscene, or repulsive and vulgar language in the streets.

Fireworks.

23. In relation to the use of guns, pistols, fire-arms, fire-crackers, fire-works and detonating works of all descriptions within the city.

Gunpowder
and other
explosives

24.* In relation to keeping and storing of gunpowder, guncotton, blasting powder and all other dangerous and explosive materials, and to provide for the inspection, forfeiture or destruction of the same.

Public health.

25. In relation to the public health, the prevention and removal of nuisances, the regulation of interments, the safety and comfort of tenement-houses, the business of bone-boiling, bone-grinding or phosphate manufacturers, and all occupations and business noxious to health or comfort, and the removal, keeping and deposit of manure.

Safety of
houses.

Phosphate
manufacture.

Manure.

Vaults,
drains, etc.

26. In relation to the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps and drains.

Disorderly
and gaming
houses.

27. To suppress and restrain disorderly houses, houses of ill-fame, gaming-tables, ball alleys, the playing of cards or games of chance, pool playing by minors, horse racing, immoderate driving and the

Horse racing,
etc.

*As amended by chap. 531 of Laws of 1893.

destruction of all instruments and devices employed in gaming. Destruction of gaming devices.

28. In relation to partition fences and walls. Walls and fences.

29. In relation to emergencies of riot, pestilences or invasion. Riots, etc.

30.* To license and regulate boatmen, cartmen, draymen, expressmen, hackmen, baggagemen, cabmen, liverymen and owners and drivers of all vehicles for the transportation of persons or property for hire and the business conducted by such persons respectively and to fix the rate of compensation to be taken by them, and to require the owners of carriages or other vehicles used for the conveyance or transportation of persons or property for hire, to mark such vehicles in such manner as the common council shall designate ; to license and regulate physicians, surgeons, dentists, midwives, pharmacists, massagists and magnetic healers ; to license, regulate or prohibit so-called Christian scientists and faith curers and clairvoyants and the practice of their so-called science or art ; to license and regulate plumbers, peddlers, hawkers, butchers, junk dealers and keepers of intelligence offices, and the business conducted by such persons respectively ; to license and regulate pawnbrokers and the business of pawnbrokerage ; and to fix the rates to be charged by pawnbrokers in their business ; and any person, corporation, member or members of a copartnership or firm who loans money on deposit, or pledge of To license owners and drivers of vehicles, etc.
Numbering of vehicles.
Physicians, faith cures, etc.
Pawn brokers, etc.

*As amended by chap. 531 of Laws of 1893.

personal property, or other valuable thing other than securities, or printed or written, or partly printed and partly written evidences of indebtedness, or who deals in the purchase of personal property or other valuable thing, on condition of selling the same back again at a stipulated price, is hereby declared and defined to be a pawnbroker.

Inspection of
weights and
measures.

31. In relation to the inspection of and sealing of weights and measures and enforcing the keeping and use of proper weights and measures within the city.

City elections.

32. In relation to the notification, regulation and protection of all elections for city officers.

Peace and
order.

33. In relation to peace and good order.

Collection of
penalties
imposed.

34. In relation to the mode and manner of suing for, collecting and disposing of the penalties provided for the violation of the ordinances of the city.

Exercising
power con-
ferred by
charter.

35. In relation to carrying into effect and enforcing any of the powers, privileges and rights at any time granted or bestowed upon, or possessed by the said corporation.

Sale of farm
products.

36. To regulate the sale and place of sale of wood, hay, straw, grain, lumber, lime and all other marketable articles from wagons, sleighs and other vehicles, and to fix the fees for weighing, selling or measuring the same.

Fees for
weighing, etc.

Public
markets.

37. To regulate and designate public places or markets for the sale of fresh meats, fish, fruit, poultry, but-

ter, cheese, eggs, honey, vegetables, game, birds and other articles usually disposed of from farmers' wagons, and the fees for market privileges.

Fees for occupancy.

38.* To license and regulate forestallers, scalpers, dealers in tickets to places of amusement, or tickets of railroad or other transportation companies, and persons who make a business of buying in whole or in part from farmers, and selling the article so bought at advanced prices, and the hours during the day they will be permitted to purchase and sell.

Ticket scalpers, forestallers, etc.
Hours to purchase and sell.

39. To regulate or prohibit swimming or bathing in the waters in or surrounding the city, and to establish and regulate public baths or bathing places.

Bathing.

40. To regulate or prohibit the ringing and tolling of bells; blowing of horns and whistles; flying of kites; crying of goods and at auction or sale; the impounding of cattle, horses, sheep, swine, geese, and the sale of same for penalties and costs; and to pass ordinances in relation to dogs and their destruction, if so ordered.

Bells, horns, whistles, etc.
Auction sales.
Impounding stray animals, dogs, etc.

41. To regulate and carry into effect all rules for the care and protection of the cemeteries in the city.

Cemeteries.

42. To regulate the burial of the dead; purchase of land for public burial places; the keeping of proper form of vital statistics; to regulate fees for graves; sales of lots; the duties and qualifications of sextons; the mode of conveying the dead through the streets,

Interment of the dead.
Vital statistics
Duties of sextons, etc.

*As amended by chap. 531 of Laws of 1893.

and all other matters connected with cemeteries which they deem proper.

Speed of
engines,
carriages, etc.

43.* To license, regulate and control the running of engines, horse cars, street cars, wagons, carriages, bicycles and other vehicles through the city, and the rate of speed of the same, and to compel the registration of such vehicles, and the marking of the same as the common council may direct.

Registration
and marking.

Hotel porters,
etc.

44. To prohibit, regulate or license runners for boats, stages, railroads, hotels, taverns and other houses.

Erection and
removal of
buildings.

45 To control and regulate the manner of erecting brick, stone or other materials for walls of buildings, and the thickness of the same, so as to prohibit or require the removal of any such as they may deem dangerous to life.

Demolish
dangerous
structures.

46. To raze or demolish any building or erection, which by reason of fire or any other cause may become dangerous to human life or health, or may tend to extend a conflagration.

Chimneys,
stores, etc.

47. To regulate the construction of chimneys and the sweeping thereof; to prevent the setting up or require the removal of stoves, pipes, boilers and ovens deemed dangerous; to prohibit and regulate the deposit of ashes; to authorize any city officer, or any person designated by them to inspect any place or places to

Ashes.

Inspection.

*As amended by chap. 531 of Laws of 1893.

ascertain whether the same are in safe condition, and if not, to require the same to be made so ; to regulate the carrying on of manufactures, dangerous in causing or promoting fires ; to extend and define, from time to time, the ground to be included within the fire limits ; to require, to regulate or to permit all such other acts to be done as they may deem proper to prevent the occurrence or to provide for the extinguishment of fires in the city.

48. To prohibit or regulate the erection or construction of any stoop, step, platform, bay window, cellar, area, stairs, descent or ascent into any building, or any erection or projection from any building or otherwise in, over or upon any street or sidewalk, or the removal of any house or building over or upon any street or sidewalk, or the removal of any house or building through the streets of the city.

Dangerous
manufactures.

Fire limits, etc.

Encroachment
on streets and
sidewalks.

Moving build-
ings through
streets.

49. To direct the digging down, draining or filling up of lots whenever the same shall be deemed necessary to prevent injury to the streets, side or crosswalks, or to adjoining property, at the expense of the owners thereof; to direct the sweeping and cleaning of the streets by the persons owning or occupying the premises fronting thereon.

Filling low
lots, etc.

Cleaning
streets by
abutting prop-
erty owners.

50. To order and regulate the planting, removing, rearing, trimming and preserving of ornamental and shade trees in the streets of the city at the expense of the owners of the property fronting thereon, and also upon the parks and grounds of the city.

Shade trees.

Removal of obstructions, etc. in public places.

51. To prevent, prohibit and cause the removal of obstructions and incumbrances in and upon all wharves, streets, lanes, public places and sidewalks.

Oleomargarine, etc.

52. To regulate or prohibit the manufacture and sale of oleomargarine, butterine, suine or other substitutes of butter made by the natural process.

§ 23. The common council shall also have power by resolution.—

Removal of fence or other obstruction in streets.

1. To require any building, fence, or other erection, which is or may be erected, built, or placed within the line of any street or highway in the city, to be removed therefrom by the owner or occupant, and in case of his neglect so to remove the same, to cause its removal at the expense of such owner or occupant.

Unsafe walls.

2. To compel the owners or occupants of any wall or building within the city which may be in a dangerous and unsafe condition, to render the same safe, or to take down and remove the same and prohibit such erections.

Nuisances.

3. To require the summary removal or abatement of all nuisances, or substances likely to become such, from any street, lot or building.

Enforce ordinances, etc.

4. To require the immediate enforcement of any or all of the ordinances and regulations which may from time to time be adopted by the council.

Require reports from officers.

5. To require any officer of the city to furnish reports, information or estimates whenever deemed proper by the council.

6.* To designate two or more daily newspapers in the city for publishing all proceedings, notices, resolutions, ordinances and acts of the common council ; such newspapers shall however be of opposite politics and fairly represent the two principal parties into which the people of the county are divided, and all other departments of the city government for a compensation annually to be fixed by the common council. Such publication shall be made as the common council may direct.

Official
publications.

Opposite
politics.

Compensation
fixed annually
by Council.

Council to
direct
manner
of publication.

7.† To enter into contracts for services or supplies and order the payment of the same ; to borrow money or make temporary loans in anticipation of the general tax levy or the collection of taxes levied ; to borrow money or make temporary loans from time to time as may be necessary to make partial payments, or advances to contractors, or contracts for local improvements, and the final payment thereon, in anticipation of the levying, collection or payment of the local assessments made for, or the sale of the bonds issued on account of the local improvements covered by said contracts ; to issue either registered or coupon bonds, to raise the money authorized to be borrowed by this subdivision and fix the terms of payment and rate of interest thereon ; to issue either registered or coupon bonds, under any law heretofore or hereafter enacted, authorizing the issue of bonds by said city, and shall at the request of the holder of any coupon bonds, whether

Contracts
for supplies.

Borrowing
money, or
temporary
loans.

Issue of
bonds.

*As amended by chap. 449 of the Laws of 1888.

†As amended by chap. 531 of Laws of 1893.

heretofore or hereafter issued, cause to be issued and delivered to the said holder, on the delivery and surrender to the city thereof, registered bonds of equal amount. Such bonds shall be divided into and issued in such amounts as the said holder shall desire, provided that the city shall not be required to issue any bond for a less sum than one thousand dollars, and provided further that the bonds so issued shall be payable upon the same terms and at the same time as the bonds for which they are exchanged. The city treasurer shall keep a record of all bonds surrendered for exchange, and by whom surrendered, and of all bonds issued in exchange therefor, and to whom issued, containing the dates, numbers and the amounts of said bonds, and a reference to the laws or resolutions under which they were issued. Whenever the common council shall cause bonds to be issued for the purpose of raising money the city treasurer shall publish a notice in five successive numbers of each of the official papers, Sundays excepted, stating the amount of bonds to be issued, their rate of interest, and the time of their payment, and that sealed proposals will be received by him until a day specified in the notice, not less than ten days from the first publication thereof, for all or any portion of the bonds issued. Each proposal shall state the amount of the bonds desired, and the price of each one hundred dollars thereof. On the day specified in the notice the city treasurer shall publicly open the proposals and the bonds shall be sold to the person, or persons, whose bids are most favorable to the city, but no bonds shall be sold at less than their par value.

Record of
bonds
surrendered,
etc.

Proposals
for bonds.

Award and
sale thereof.

The city treasurer may reject any and all bids received. May reject bids.
 Nothing in this subdivision contained shall be construed to prevent the common council from awarding Proviso as to awarding bonds for sinking fund.
 any bonds, at their par value, to the city treasurer in trust for any redemption or sinking fund of the city, and as an investment of said redemption or sinking fund without advertising; to provide generally for the welfare of the city.

8.* To require that the telegraph or telephone or electric light wires or cables, or other appliances for Removal of overhead wires.
 conducting electricity, and the poles therefor, heretofore erected in any street, alley or public ground, be removed from overhead in the street, alley or public ground, or any part thereof within a reasonable time not less than six months after the enactment of such Six months notice.
 ordinances, and a compliance with such ordinance in respect to the removal of poles, wires, cables and other appliances for conducting electricity from the streets, alleys and public grounds, may be enforced by mandamus by any court of competent jurisdiction, upon Removal enforced by Court.
 the application of the city as relator; and any company or corporation or individual may place its wires and electrical conductors in conduits under the surface Underground conduits, to be regulated by Common Council.
 of the streets, alleys or public grounds in such manner as not to unnecessarily interfere with the use of such streets, or alleys, or public grounds for local improvements of any character or with the sewers, or water or gas mains or branches thereof subject, however, to such regulations and restrictions as the common

*As amended by chap. 368 of the Laws of 1887.

council may make or impose in respect thereto for the benefit of the public, the city, or its citizens, provided, however, that nothing herein contained shall be construed as authorizing the common council to require that any particular patent or appliance shall be used in the construction of the conduits hereinbefore provided for; and any company or corporation or individual so placing its wires under ground in any street or alley or public ground of said city shall, upon notice from the city or any of its departments that a local improvement or sewer or water main or branch thereof is to be constructed in such manner as will necessitate the moving or altering of the conduit or conduits of such individual, company or corporation, move or alter the same at its own expense so as to permit the construction of the improvement where ordered; and should any company or corporation omit to comply with such notice the conduit or conduits may be altered or moved by the city and the costs and expense thereof recovered from such individual, company or corporation; to regulate the erection of telegraph, electric light and telephone poles, wires, cables or other electrical conductors and to require that such wires, cables or other electrical conductors to be placed under ground subject to such restrictions and regulations as it may impose, except as hereinbefore provided.

Conduits must be removed when in the way of sewers, &c.

City to remove conduits at expense of owners in case of refusal.

Erection of poles.

Powers to repeal, make or alter ordinances, &c.

§ 24. The common council shall also have power to make, alter, establish, modify, amend and repeal all such other ordinances, rules, fire and police regulations, by-laws and resolutions as they shall deem nec-

essary and proper, and which are not in violation of the laws of this State or of the United States.

§ 25. In any and all ordinances, rules, regulations, Penalty.
by-laws and resolutions, ordained or adopted by said
common council, they may prescribe for every viola-
tion thereof such penalty as they may deem proper by
a fine not exceeding one hundred dollars, or by im- Not exceeding
one hundred
dollars, nor
three months
imprisonment.
prisonment in the penitentiary of the county not exceed-
ing three months, or by both such fine and imprison-
ment. All fines received or collected under the Fines to be
paid to
City Treas-
urer.
provisions of this act shall be paid by the officer receiv-
ing or collecting the same to the city treasurer.

§ 26.* Every person offending against or violating Misdemeanor.
any resolution, ordinance, by-law, rule or regulation,
passed, or that may hereafter be passed by said com-
mon council, shall be deemed guilty of a misdemeanor.

§ 27. Printed or written copies of all or any of the Copies of ordi-
nances,
attested by
Mayor or City
Clerk, same
effect as
originals.
ordinances, rules, regulations, by-laws and resolutions
passed by the common council, and of their minutes
and proceedings, together with any paper on file, may
be read in evidence in any court in this State, when
attested by the mayor or clerk, under the seal of the
city, to the effect that the same are true copies thereof,
with the same force and effect as if the originals were
produced.

§ 28. It shall be lawful for the mayor, any alder- Authority to
make arrest.
man, police commissioner, member of the board of

*As amended by chap. 449 of the Laws of 1888.

health, supervisor, or superintendent of streets, and it shall be the duty of the chief of police, and every policeman and police officer of the city, to arrest, detain and take before the police justice of said city, or officer acting as such, every person whom they or any of them shall find committing a violation of any ordinance, by-law, rule or regulation passed or that may hereafter be passed by the common council of said city.

Majority vote only, to prevail.

§ 29. No motion or resolution or other action of the council shall pass unless with the assent of a majority of all the members elected to the common council.

Ayes and nays to be recorded on vote for any expenditure or improvement.

The ayes and nays shall be called and recorded on all motions and resolutions authorizing the expenditure or collection of money or the making of local improvements or repairs.

Mayor and Council to act as Commissioners of Highways.

§ 30.* Subject to the provisions and limitations of this act, the mayor and common council within and for the city of Syracuse shall possess and may exercise the powers of commissioners of highways in towns, and shall have authority to lay out, make, open, regulate, repair and improve highways, streets, lanes, alleys, bridges, public grounds, sidewalks, sewers, gutters, crosswalks; and alter, widen, straighten, narrow and discontinue the same as they may deem proper. Within the fire limits of said city, the mayor and common council thereof are hereby authorized, during the portion of every year when the canal is not open for navigation, to regulate and control the occupancy

Authority to open, regulate and repair streets and public places and sewers.

To alter and discontinue streets, sewers, sidewalks, &c.

Authority to remove boats in canal, outside fire limits.

*As amended by chap. 475 of the Laws of 1889.

thereof by boats or other structures not in the actual use or service of the State of New York or any officer thereof.

§ 31. They shall also have power to regulate and improve the channel of the Onondaga creek, and to prevent and prohibit encroachments thereon, and to clear out, deepen or improve the channel, and to drain the lands adjacent thereto, and to require obstructions to be removed from the same. Whenever said creek shall be improved or said lands drained, the proceedings shall be the same, as near as may be, as in the case of laying out streets, and the common council shall have the same power to enter upon lands for such purposes as in the laying out of streets. The powers and duties by this section conferred upon the common council in respect to the Onondaga creek shall not be deemed to exclude, limit or modify the powers and duties conferred upon the Onondaga creek commission by existing statutes which shall continue in force.

Onondaga
creek
channel.

Not to conflict
with existiing
laws.

TITLE V.

CITY OFFICERS—THEIR DUTIES.

§ 32.* THE MAYOR.—At the next charter election after the passage of this act, and thereafter, the mayor shall be elected and hold his office for the term of two years. He shall receive an annual salary of twenty-five hundred dollars, which shall be in full compensa-

Mayor.
Term of office.

Salary.

*As amended by chap. 475 of the Laws of 1889.

Mayor's office. tion for all services performed by him. He shall have
 Hours open. his office in the city hall, which shall be open daily
 (Sundays and legal holidays excepted) for the transac-
 tion of business, from ten o'clock until noon in the
 forenoon, and from two o'clock until four o'clock in
 the afternoon. The annual salary of the mayor's clerk
 Salary of Mayor's Clerk. shall be fixed by the common council, and shall not
 exceed eight hundred dollars.

Mayor to sign deeds and contracts. § 33. He shall sign all deeds and contracts made and
 entered into by the city, and caused to be affixed
 thereto the city seal. In addition to the powers con-
 ferred by law upon the mayors of cities, he shall possess
 all the jurisdiction and exercise all the powers and
 authority of a justice of the peace in actions for the
 violation of ordinances, laws, resolutions, rules and
 regulations of the common council and board of health
 of the city of Syracuse.

To try complaints against any officer of city, and impose fine. § 34.* He shall have power summarily to hear, try
 and determine any complaints against any officer of the
 city for misconduct, or any neglect of duty, and upon
 conviction inflict a fine thereupon, not exceeding twenty-
 five dollars, and issue his warrant for the collection
 thereof. He shall also have power at all times to exam-
 ine the books, vouchers and papers of any officer or
 employee of said city, and to summon and examine
 under oath any person connected therewith.

Statement to Council. § 35. It shall be his duty to communicate to the
 common council at the first meeting after his election,

*As amended by chap. 626 of Laws of 1892.

and oftener if he deem it expedient, a general statement of the affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper; to take care that the laws of the State and the ordinances and regulations of the common council and board of health are faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and on being satisfied that any such officer has been guilty of official misconduct or neglect of duty, to suspend such officer until the next meeting of the council, and to perform any and all of the duties imposed upon him by this act, or by resolution, ordinance, regulation or by laws of the council. It shall be his duty generally to maintain the peace, good order and prosperity of the city.

To see that laws, ordinances, &c., are enforced.

Supervise subordinate officers and to suspend them.

*
Peace and good order.

§ 36. He shall have power to call out and command the police and firemen, whenever in his discretion he shall deem it necessary, and such command shall be in all respects obeyed.

Authority over police and firemen.

§ 37. He shall have power and may appoint such number of special policemen as he may deem necessary or expedient, and such special policemen shall have authority to make arrests for drunkenness or disorderly conduct or other offenses against peace and good order, but such special policemen shall not be entitled to compensation by the city of Syracuse for their services. Said special policemen shall be under the control of the police officers and police commissioners of the city.

Appoint special policemen.

Compensation.

Under control of the police department.

President
of Council.

§ 38.* PRESIDENT OF THE COUNCIL.—The president of the council shall be appointed by the common council at the annual meeting on the first Monday after the charter election in each year or as soon thereafter as practicable, from the number of the aldermen composing said council, and the term of office shall be one year. He shall preside at all meetings of the common council, and in his absence, a president pro tempore shall be chosen. The term of office of president of the council, appointed in the year eighteen hundred and ninety-two shall expire at the time of the annual meeting on the first Monday after the charter election for the year eighteen hundred and ninety-three.

Term of office.

City Clerk.

Term of office

§ 39. CITY CLERK.—The city clerk shall be appointed by the common council, and the term of office shall be three years.

Corporate seal
and public
records.

Countersign
all licenses.

Proceedings
of Council.
Copies of
assessment
rolls.

§ 40. He shall in addition to the duties in this act required of him, have charge of the corporate seal, books, papers, documents and official minutes of the city, except as herein otherwise provided. He shall countersign all licenses granted by the mayor, and keep a record of the proceedings of the common council, and cause to be made copies of assessment-rolls, and perform such other duties as are required by this act or that may be required by the mayor or common council.

Annual report.

§ 41. He shall at the first meeting of the council in April of each year render a full and detailed statement

*As amended by chap. 626 of Laws of 1892.

of the amount of the funded debt, the amount falling due in installments during the year, the amount of interest due and to become due in said year, the amount, if any, of the floating debt of the city, the resources of the city other than from taxes, and the sums due and to become due on all contracts entered into by the city.

§ 42. He shall also at the first meeting of the common council in each month render a statement of all sums expended during the current year for any and all purposes to the date of such statement, which shall be published monthly with the official proceedings.

Statement of expenditures.
Published monthly.

§ 43. He shall draw all warrants on the city treasurer for the payment of moneys legally ordered by the council and approved by the mayor. Such warrants shall be signed by the clerk and countersigned by the mayor, and in such form as may be prescribed by the council. He shall provide a book in which shall be registered every warrant countersigned by the mayor.

Draw all warrants.
Provide books, etc.

§ 44. It shall be his duty to advertise for and receive proposals for all work to be done, or materials or supplies to be furnished the city by contract, and report the same to the common council.

Advertise for supplies, etc.

§ 45. He shall also be, ex-officio, clerk of the board of city auditors and of the board of health of said city, and perform such duties incident thereto as may be required by said boards.

Clerk of Board of Health.

City Engineer. Term of office. § 46. CITY ENGINEER.—The mayor shall appoint the city engineer, and the term of office shall be one year. He shall keep his office in the city hall, and shall attend there personally each day at certain hours, of which public notice shall be given. He shall keep there a book of records in which he shall enter the survey and map of every street, park, cemetery, avenue or lane, and the grade thereof, and the sidewalk, sewers and inlets which are or may be established by the common council. Such book shall be properly indexed by him and transmitted, with all other matters pertaining to his office, to his successor.

Office and office hours.

To keep records, maps, etc.

To establish grades. § 47.* He shall, under the general direction of the common council, establish the grades of all streets, avenues, sidewalks, and crosswalks, gutters, sewers and inlets, and shall make and furnish all such maps, measurements, surveys, estimates and reports with reference to all work done or proposed, upon or within the same as the common council or the commissioner of public works may require. He shall render such services as may be provided by law or may be directed by the common council, concerning the opening, narrowing, or closing of any street or public place; and such other services as the common council may direct. He shall devote his time and services exclusively to the business of the city, and for its benefit. All fees charged or compensation received by him for services rendered for individuals during his term of office shall be paid by him to the city treasurer to the credit of the contingent fund.

To make maps, surveys, estimates and reports, when required by Common Council or Commissioner of Public Works.

Services in opening streets, &c.

Time devoted to city business. All fees to be paid into city treasury.

*As amended by chap. 475 of the Laws of 1889.

§ 48.* COMMISSIONER OF PUBLIC WORKS. — The mayor shall appoint a commissioner of public works, who shall hold office for a term of two years, and until his successor shall be appointed. He shall receive a salary of three thousand five hundred dollars a year, and in addition thereto, the sum of five hundred dollars a year for the maintenance of a horse and wagon for the use of himself and deputy, in the discharge of their official duties. He may appoint, with the approval of the mayor, one deputy, to hold his office during the pleasure of the commissioner, and who shall perform such services, as the commissioner may direct. The deputy shall receive a salary of one thousand and two hundred dollars a year. He may also appoint two superintendents of repairs, who shall each receive a salary not to exceed eight hundred dollars per year. The said commissioner may employ such laborers and teams as he shall deem necessary, to keep the streets, squares and public places in proper repair and condition ; to be paid weekly, out of the highway fund of said city by the city treasurer, upon the certificate of the said commissioner, stating the time, place, nature and value of the services rendered by them respectively. He shall also report to the common council at each regular meeting the names of the persons so employed, the length of time of employment, the place or places where employed the nature of the employment and the price or prices to be paid therefor. The said commissioner may, from time to time, employ such additional help as may be necessary to secure the thorough

Commissioner
of Public
Works.
How
appointed
Term.

Salary.

Maintenance
of horse and
wagon.

May appoint
deputy.
Term.

Salary of
deputy.

Superinten-
dents of
repairs. May
appoint two.
Salaries.

May employ
laborers
and teams.

Clean and
repair streets,
&c.

Paid weekly
out of high-
way fund.

Report at each
meeting of
Common
Council.

May employ
inspectors for
local work.

*As amended by chap. 475 of the Laws of 1889.

Three dollars
per day.

Report
expense of
inspection to
Common
Council.

Expense
added to cost
of local
improve-
ments.
City Treas-
urer to pay
inspectors out
of moneys
received from
local assess-
ments.

Duties.

To supervise
all ordinary
repairs and
improvements
of streets,
sewers, &c.

Lighting
streets.
Cleaning
streets, &c.,
except other-
wise con-
tracted.

inspection and examination of all work in progress under his supervision which is to be paid for in whole or in part by local assessment; provided that the cost of such inspection and examination shall not exceed the sum of three dollars per day for each separate job or improvement, during the continuance thereof. The expense of such inspection and examination, at the completion of the work for which the same was furnished, together with the name of the inspector and the day of service rendered by him, shall be reported to the common council by the said commissioner and such expense shall be added to and collected as a part of the cost of the work or improvement to which such inspection shall belong. Upon the certificate of the said commissioner the inspectors shall receive their compensation for the services rendered, from the city treasury, out of the moneys received and collected for the improvement to which the same may be properly chargeable.

§ 49.* DUTIES OF THE COMMISSIONER OF PUBLIC

WORKS :—I. The commissioner of public works shall have the supervision and control of all ordinary repairs of and improvements upon the streets, avenues, alleys, lanes, parks and public places in said city, including sewers, gutters, sidewalks, crosswalks, culverts and bridges maintained by the city; and of the cleaning and lighting of all such streets, avenues, lanes, parks and public places, sidewalks, crosswalks, culverts and bridges in said city as shall not be included in any con-

*As amended by chap. 475 of the Laws of 1889.

tract let by authority of the common council for that purpose. It shall be the duty of the said commissioner to inspect from time to time the streets, avenues, alleys, lanes, parks, public places, sidewalks, crosswalks, sewers, gutters, culverts and bridges maintained by the city, and to see that the same are kept free from obstruction and in good condition and repair. He shall also, under direction of the common council, locate and supervise the construction of all crosswalks in the streets of said city, and shall perform such other duties as may from time to time be required by the mayor and common council. He shall have no power to contract any debt or liability on the part of said city, except by resolution of the common council, authorizing him to do so.

Inspect streets, sewers, bridges, &c. from time to time.

Locate crosswalks.

No power to contract any liability, except by order of common council.

2. The commissioner of public works shall also have the superintendence and control of all work done under any contract with said city for any local improvement ordered by the common council under the provisions of title nine or title ten of said chapter ; and of all public work to be performed within or upon any of the public streets, avenues, alleys, lanes, parks and public places of said city. He shall also, under general ordinances of the common council, supervise and regulate the lighting of all streets, alleys, avenues and public places, and keep in repair all lamps and other appliances, used by the city for such lighting and cause the same to be lighted and extinguished ; and shall monthly, and as often as the common council may direct, report to that body as to the performance by

Supervise and control of all public work.

Supervise and regulate street lighting.

To make monthly reports to common council of lighting, cleaning and sprinkling streets, &c.

any person, company or corporation of any contract with said city for the lighting, cleaning or sprinkling of said streets, avenues, alleys and public places or any part thereof. The police of said city shall report to him from time to time, as he may require, all violations or failures of performance of any such contract.

Police to report to commissioner, violations of any contracts.

All work done under any contract with or authorized by the common council of said city shall, before it is accepted, be certified to by the said commissioner of public works, to the effect that such work has been done in a good and substantial manner, with the materials required and of the quality prescribed and in the manner directed in and by the terms of the contract, under which the same was done. It shall be

Commissioner to certify to common council, relative to contract work.

Copies of contracts, &c., to be furnished by city clerk.

the duty of the city clerk, as soon as practicable, after any contract with the city shall have been signed by the contractor, to furnish to the said commissioner of public works a certified copy of the contract, under which the said work is to be done, together with a copy of the resolution or ordinance of the common

To file certificate upon completion of contracts.

council, directing the work to be done. It shall be the duty of the said commissioner within ten days after the completion of any such work to file a certificate of such completion with the city clerk, to be reported to the common council; such certificate shall state in substance that such work has been duly examined by said commissioner, and that the same has been performed in accordance with the terms of the contract

Engineer to furnish plans, estimates, &c., and make measurements, &c.

therefor. To facilitate the performance of the duties imposed by subdivision two of this section, it shall be the duty of the city engineer, upon request of the said

commissioner, to furnish him with copies of any plans, specifications or estimates, and to make such examinations and measurements as he may require and furnish him a written report thereof. It shall be the duty of the common council of said city upon the requisition of the commissioner of public works to furnish such materials, tools and implements as he may require from time to time for the performance of his official duties. Upon the appointment of a commissioner of public works under the provisions of this act, the office of superintendent of streets of said city shall cease and determine, and all property in the possession of said superintendent belonging to said city shall be delivered by him, with an inventory thereof, to the said commissioner who shall give his receipt therefor. to be filed in the office of the city clerk of said city, a like delivery shall be made and receipt given and filed upon the appointment of every succeeding commissioner of public works.

Common council to furnish material and tools.

Office of superintendent of streets abolished.

To give receipt for all city property in his charge.

§ 50. POLICE JUSTICE.—The term of office of the police justice shall commence on the first day of January next after his election and continue four years, the election of police justice to be at the next charter election preceding the expiration of the term of office of the incumbent.

Police Justice.

Term of office and election.

§ 51. Vacancies in said office may be filled by the common council on the nomination of the mayor, and the term of office of the person appointed to fill such vacancy shall expire on the last day of December next after the first charter election succeeding such vacancy.

Vacancies, how filled.

May hold
courts of
special
sessions.

§ 52. The police justice of said city is hereby empowered to hold courts of special sessions for the trial of all offenses triable in a court of special sessions, and shall have the powers and jurisdiction conferred upon courts of special sessions by title six, chapter one, section fifty-six of the Code of Criminal Procedure.

Power to try
certain
offenses.

§ 53. He shall also have power to try the following offenses committed within his jurisdiction, namely: all cases of malicious mischief or injury; all offenses against public decency; selling unwholesome provisions; breaches of the peace; cruelty to animals; disobeying the commands of police officers to render assistance in criminal cases; all violations of the laws and ordinances of the city of Syracuse, and the board of health thereof, and all offenses of the grade of misdemeanor under the laws of the State of New York.

Misde-
meanors.

Salary.

§ 54.* The salary of the police justice shall be twenty-two hundred dollars per annum, to be paid by the city treasurer upon the warrant of the board of city auditors.

Justices of the
Peace.

§ 55.† JUSTICES OF THE PEACE.—The several justices of the peace of the city of Syracuse, now holding office, shall remain in office until the expiration of the terms for which they were respectively elected. The terms of office of justices of the peace shall commence on the first day of January next after their election, and

Term of
office.

*Note.—See section 131, relative to board of city auditors.

†Office abolished and act repealed by chap. 342 of the Laws of 1892.

shall continue for four years, except that in case of ^{Common council shall fill vacancy.} vacancy the common council shall appoint until the next charter election, and the person then elected shall hold office for the balance of the unexpired term.

§ 56.* They shall possess the powers and perform ^{Jurisdiction.} the duties of justices of the peace of towns, but shall have no jurisdiction in criminal cases, excepting in bastardy proceedings. In the absence or disability of ^{May perform duties of Police Justice.} the police justice, any justice of the peace of said city may perform his duties upon request and designation of the police justice or of the mayor. This amendment shall not abridge any of the rights, powers or duties of any person elected to or now holding the office of justice of the peace in said city.

§ 57. CLERK OF POLICE JUSTICE.—The police justice ^{Clerk of Police Justice.} of said city shall appoint a clerk, who shall receive a salary of seventy-five dollars a month to be paid in the ^{Salary.} same manner as the salary of the police justice, and ^{Term of office.} hold his office for the term of one year, beginning on the first day of January.

§ 58. Before entering upon his duties he shall exe- ^{To give bond.} cute and file with the city clerk a bond, with one or more sureties, in the penal sum of one thousand dollars, to be approved by the mayor of said city, and ^{Mayor to approve bond.} conditioned for the faithful discharge of the duties of his office.

*As amended by chap. 368 of the Laws of 1887, and chap. 449 of the Laws of 1888, and becomes repealed by chap. 342 of Laws of 1892, (office abolished by this act.)

Records to be kept by clerk.

§ 59. He shall keep a faithful record of the proceedings of the police court and the business pertaining to the office of police justice, which record shall always be open to public inspection, and shall properly file and keep all bonds, papers and documents pertaining to said office.

To receive costs, fines, &c.

§ 60.* He shall also receive all costs, fines, penalties and dues of every description, and he shall pay over to the city treasurer, from day to day, to the credit of the contingent fund, all moneys received by him, and take his receipt therefor. It shall be his duty to present all records kept by him, and all accounts of moneys received by him, and of any other matters pertaining to his office, to the common council at such times as it may require or prescribe.

Deposit of fines, costs, &c.

Records and account of moneys to be presented to common council.

Corporation counsel. Mayor to appoint.

Term of office

Duties.

To certify to contracts, bonds, deeds, &c.

§ 61.* CORPORATION COUNSEL.—The mayor shall appoint the corporation counsel and the term of his office shall be two years. It shall be his duty to prosecute and defend all civil actions and proceedings by and against said city and every department thereof; and to perform such other professional services relating to the affairs of said city as the mayor may direct. No written contract providing for the payment of two hundred and fifty dollars or more shall be entered into by any officer or department until there shall be indorsed thereon a certificate of the corporation counsel to the effect that such contract is in proper form and is duly authorized; nor shall any contract, bond, deed,

*As amended by chap. 475 of the Laws of 1889.

or obligation, be accepted on behalf of said city or any officer or department thereof, until his certificate is first indorsed thereon to the effect that the same is in proper form and duly executed. He shall receive a salary to Salary, how fixed. be fixed annually by the common council, and shall also be entitled to retain the costs in suits and proceedings in which the city shall prevail, and which shall To retain costs, &c., received in adverse cases. be collected from the adverse party. No action shall be commenced by the corporation counsel unless directed by the mayor. The present city attorney, without further appointment or qualification, shall continue Mayor to direct commencement of actions. City attorney, office abolished. in office as the corporation counsel until the expiration of the term for which he was appointed. Upon the qualification of any person or corporation counsel, he Corporation counsel, to be substituted in. shall be deemed substituted as attorney in place of his predecessor in all suits and proceedings, by or against the city or any department thereof.

§ 62.* COMMISSIONERS OF DEEDS.—The common Commissioner of deeds, how appointed. Number. council shall have power to appoint two hundred and fifty commissioners of deeds for said city, to hold their offices for a term of two years, from the thirtieth day of January last, and from time to time fill vacancies Term of office. and appoint successors for a term of two years. The persons now in office as commissioners of deeds within Vacancies, how filled. and for said city shall be considered a part of the two hundred and fifty commissioners hereby authorized. Such commissioners of deeds, the justices of the peace, Power of, the mayor, aldermen, police justice, city treasurer, the corporation counsel and the clerk of said city shall have

*As amended by chap. 475 of the Laws of 1889.

the same power as justices of the peace in the towns and counties of this State, to administer oaths, take and certify proofs and acknowledgments of deeds, mortgages, bonds and other papers, and to take and certify affidavits.

Term of overseer of poor.

§ 63.* THE OVERSEER OF THE POOR AND ASSISTANT OVERSEER.—The overseer of the poor of said city shall hold his office for two years, provided that the overseer of the poor elected in the in* the* year eighteen hundred and ninety-three shall hold his office for one year and thereafter the term of said office shall be two years; he shall possess and exercise all the powers and authority of overseers of the poor in the several towns of Onondaga county, and shall be subject to the same duties, obligations and liabilities. He shall also have the same power within his jurisdiction in respect to the settlement of bastardy cases as is now possessed by the superintendent of the poor in the county of Onondaga.

Duties and powers.

Overseer to appoint assistant.

§ 64.† The overseer of the poor shall have authority to appoint an assistant overseer, whose term of office shall expire at the end of the term of the overseer of the poor who appointed him. The assistant overseer shall perform such duties as the overseer may direct.

Term of office.

Duties of assistant.

Salary of overseer.

§ 65.† The salary of the overseer of the poor shall be

*As amended by chap. 449 of the Laws of 1888 and chap. 495 of the Laws of 1893.

*So in the original.

†As amended by chap. 475 of the Laws of 1889.

two thousand dollars; in addition to which he shall be Maintenance of horse, &c. entitled to the sum of four hundred dollars to pay for the maintenance of a horse and wagon. The salary of Salary of assistant. the assistant overseer of the poor shall be one thousand three hundred dollars.

§ 66. The overseer of the poor and the assistant Power of overseer and assistant. overseer shall each have power to administer oaths and take affidavits in all matters pertaining to the duties of their office, and to elicit statements of facts from applicants for relief; and any willful false swearing in any affidavit so taken by either of them, or statement made before either of them under oath, shall be perjury and False statement perjury. be punished accordingly.

§ 67. CITY TREASURER.—The city treasurer shall City Treasurer. be appointed by the common council and the term of office shall be three years. Except as herein otherwise Appointment and term of office. provided he shall continue to perform the duties and exercise the powers already conferred by law, or pre- General powers and duties. scribed by this act, and such other duties properly pertaining to his office as the common council may require.

§ 68. Before entering upon the duties of his office he Bond to be given. shall enter into a bond to the city of Syracuse, in such penal sum as may be fixed by the common council, with two or more sureties to be approved by the com- Sureties. mon council, and conditioned for the faithful discharge of his duties, which bond, when so approved and in- Common council to approve. dorsed by the city clerk, shall be filed in the clerk's Filing of bond. office of the county of Onondaga, where it shall be recorded as required in the case of collectors of towns.

Bond to be a
lien, &c.

Said bond shall be a lien on all the real estate of said treasurer and his sureties in the county of Onondaga, until the conditions thereof, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied.

Bond for col-
lection of
taxes levied
by board of
supervisors.

§ 69.* Before any warrant for the collection of taxes that shall have been issued by the board of supervisors of the county of Onondaga shall be delivered to the said treasurer, he shall execute an additional bond to the board of supervisors of said county with two or more sureties, to be approved by a majority of the supervisors representing the city of Syracuse, in a penalty double the amount of taxes to be collected in the several wards of said city by such warrant or warrants, conditioned that he shall faithfully collect such taxes and pay over the same according to law; which bond said supervisors shall, within six days after the same shall have been approved by them, deliver to the clerk of the county of Onondaga with such approval endorsed thereon. Such bond shall be duly recorded by the clerk, as in the case of collectors of towns, and shall be a lien upon all the real estate of said treasurer and his sureties in the county of Onondaga, until the conditions thereof, together with all the costs and charges which may accrue upon the prosecution thereof shall be satisfied.

Sureties.

Approval of
bond.

Amount of
bond.
Conditions of
bond.

Bond to be
delivered in
six days.

Bond to be
recorded.

Office of
Treasurer.

§ 70.† The office of the treasurer shall be kept at the city hall, or in such place as shall be designated by or-

*As amended by chap. 475 of the Laws of 1889.

†As amended by chap. 368 of Laws of 1887.

dinance of the common council in case a temporary Office hours.
removal shall be necessary, and shall be kept open on
each day in the year, Sundays and legal holidays ex-
cepted, from nine o'clock in the forenoon until three
o'clock in the afternoon, and at such other hours as
the council may direct from time to time.

§ 71. It shall be the duty of the treasurer, person-
ally, to receive all county, city and local taxes and
assessments, which may be paid at such office, and to
retain there, and not elsewhere, the possession of the
warrants and assessment-rolls which may from time to
time be delivered to him by the supervisors or clerk of
the city.

§ 72. He shall enter daily, in suitable books, all
sums of money received by him for taxes, or otherwise,
with the name of the person or corporation on whose
account the same shall be paid, and the ward for which
such taxes are received, and shall, at the expiration of
each month, exhibit the same in his office to the mayor
and finance committee of the common council for in-
spection. He shall also enter in a column in the assess-
ment-rolls in his possession, opposite the names of the
persons or corporation who shall pay their taxes or
assessments, the fact of payment, the amount thereof,
and the day when paid. He shall also keep a record of
all persons and their respective addresses who may pay
taxes for non-residents of said city, and the addresses
of such non-residents, so far as he can ascertain the
same.

To receive all
taxes.

Warrants and
assessment
rolls.

To keep
records.

To exhibit
same
monthly.

Entry of
payment.

Record of
non-residents.

Board of supervisors to furnish assessment rolls.

Date of such furnishing.

Assessment rolls, how signed.

§ 73. The board of supervisors of the county of Onondaga shall cause the corrected assessment-rolls of each ward of the city of Syracuse to be delivered to the treasurer of said city, on or before the fifteenth day of December in each year, to which a warrant under the hands and seals of said supervisors, or a majority of them, shall be annexed, commanding said treasurer to collect from the several persons named in the assessment rolls the several sums mentioned in the last column, opposite their respective names, and pay over the same in the manner directed in the warrant.

Notice of receipt of assessment rolls, by publication.

Final date of payment of taxes.
Fees, one per centum.

Fees, three per centum.

Fees, five per centum.

Notice of unpaid taxes.

To be given to every person.

§ 74. Upon receiving the said assessment-rolls he shall give notice, in the official papers of the city, of the receipt by him of such assessment-rolls and warrants, and all persons named therein are required to pay their taxes at his office on or before the first day of February next ensuing. For the three weeks following the date of such notice any person or corporation may pay his, her, or their county and state taxes upon paying one per centum fees thereon in addition thereto; after the expiration of three weeks three per centum fees shall be added to the tax and collected by him during the next three weeks, and after the expiration of such last-named three weeks, five per centum fees shall be added to the tax and collected by him.

§ 75. If any such tax shall remain unpaid on the first day of February, after the delivery of the assessment-rolls and warrants, he shall thereupon cause a written or printed notice to be given to every person, resident within the city, from whom such tax may be

due, specifying the amount and percentage of the tax, and requiring the same to be paid on or before the fifteenth day of February of the same year at his office.

Final date of payment.

Such notice shall be served on the person assessed, by depositing the same in the Syracuse post-office, inclosed in envelopes and directed to the person assessed,

Notice, how served.

respectively, at Syracuse, and paying the postage thereon. If any of the persons assessed shall be known by the treasurer to reside in any other place, then notice shall be directed to such other place. It shall not be necessary to make any other demand of payment of said taxes.

Notice to non-residents, how given.

§ 76. From the fifteenth day of February, the fees shall be one per centum per month, in addition to the five per centum aforesaid, and it then shall be the duty

Fees after 15th February, one per centum monthly.

of the treasurer to proceed, without delay, to issue his warrant, under his hand and the seal of the city, to any

Issue warrant for unpaid taxes.

constable or policeman of the city, or to as many of them as he may deem necessary, who may be approved

To constable, &c.

by the council, commanding said officer or officers to levy the tax and fees by distress and sale of the goods and chattels of the person or corporation upon whose

Sale for unpaid taxes.

real or personal property the tax was apportioned, according to the said assessment and tax-rolls, or of any goods or chattels in his, her or their possession, where-soever the same may be found in the city of Syracuse, or county of Onondaga, and to pay the same to the said

treasurer, and return such warrant on or before the first day of May in the same year; and no claim of property made to such goods and chattels shall be

Return of warrant. Exemptions.

available to prevent the sale thereof, except in such cases as are provided for by the general statutes of this State.

Notice of sale
of property.

§ 77. The said constable or policeman shall give public notice of the time and place of sale, and of the property to be sold, at least five days previous to the sale, by advertisement to be posted in at least three public places in the ward where such sale shall be made. The sale shall be made by public auction.

How given.

Sale to be by
auction.
Disposition of
surplus.

If the property shall be sold for more than the amount of the tax and fees, and the cost of such distress and sale, the surplus shall be returned to the person entitled thereto.

Disposition of
fees, interest,
&c.

§ 78. All fees, percentages and interest moneys received by the treasurer of the city.

Assessors.

§ 79. ASSESSORS.—There shall continue to be four assessors of said city, and except as in this section provided, the term of office shall be four years. At the next charter election after the passage of this act there shall be elected two assessors, one for the term of two years, and one for the term of three years; and at the next charter election thereafter, there shall be elected two assessors, one for the term of three years, and one for the term of four years, and thereafter, at each charter election, one assessor elected for the term of four years.

Term of office.

Salary.

§ 80.* They shall each receive an annual salary of

*As amended by chap. 368 of Laws of 1887, and chap. 475 of the Laws of 1889.

one thousand eight hundred dollars, which shall be in full compensation of all services performed by them, to be paid by the city treasurer from the contingent fund.

§ 81. They shall perform all the duties and possess Powers and duties. all the powers conferred upon assessors in the different towns of the State and be subject to all their obligations; and they shall also perform all the duties specified in this act in reference to the assessment of property within the city, for the purpose of levying the taxes and local assessments imposed or which may be imposed by the common council. They shall make an To follow requirements of common council. assessment-roll for each ward. Assessment rolls.

§ 82. On completing the assessment-rolls, which Completion of Assessment rolls. shall be done on or before the first day of August in each year, they shall meet together and leave the To be left in their office. assessment-rolls of the several wards at their office. They shall then give notice by posting hand-bills and Notice of completion. publishing in the official papers that the assessment-rolls are completed and left at their office, where the How given. same may be seen and examined by any person for the next twenty days, and that the assessors will attend Time to review assessments. during the time specified in such notice at their office to review their assessments in the same manner as assessors of towns. If in any case the twentieth day shall fall on Sunday, the said assessors shall attend for Extension over Sunday the purpose aforesaid at their office during the following Monday.

§ 83*. In the assessment of any lands in said city, it Description of property assessed.

*As amended by chap. 368 of the Laws of 1887.

shall be sufficient to state the name of one of the owners of said lands, if the owner or owners be residents of the city, or of the occupants, if the owner or owners be non-residents as aforesaid, the lot and block on which it is situated, if the same be subdivided into lots and blocks, or the number of the lot or farm lot, if not so subdivided into blocks and lots, and designated upon the city map last adopted by the common council, and also the street number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts and a brief description of the premises shall be given. In case no inhabited building is on the land and the residence of the owner is unknown, such owner may be designated as unknown. No error in the christian name of the owner or occupant shall invalidate the assessment. Every assessment-roll shall be considered as referring to the last adopted map unless it is otherwise stated therein.

Unknown
owner.

In case of
error in name.

Reference
and official
map.

Time in which
to complete
assessment
rolls.

Delivery to
city clerk.
Copy for
Supervisors.

May correct
rolls during
first twenty
days.

§ 84. At the end of twenty days they shall cease to correct and review said rolls, and shall within twenty days thereafter have the same completed and subscribed and delivered to the city clerk, to be filed by him, and a duplicate of the roll of each ward shall be delivered by the clerk to the supervisor of the ward, to be by him delivered to the board of supervisors of the county of Onondaga. During the time the assessors are correcting and reviewing any tax or assessment, general or local, they shall have power to add or insert in said tax or assessment-rolls any property liable to

assessment, and the assessment thereof which may have been omitted from such rolls upon giving personal notice to the owner or agent of such property at least two days prior to adding the same.

Error in omission corrected by special notice.

§ 85.* The common council of said city shall provide for and assign to said assessors a suitable and convenient office in the city of Syracuse, together with the requisite books and stationery, lights and fuel, which office shall be kept open daily, except Sundays and legal holidays, from ten o'clock in the forenoon to five o'clock in the afternoon, during which time one of said assessors or their clerk, or some competent person provided by them at their own expense, shall be in attendance.

Office of Office hours.

§ 86. The books, maps, assessment-rolls and papers pertaining to the office of said assessors shall be public records, and at all reasonable times be open to public inspection in their said office.

Books, maps, &c., public records. May be seen.

§ 87. For the purpose of making all assessments as correct as possible, it shall be their duty from time to time to procure from the county clerk's office a list of the transfers of the real estate in said city.

Lists of transfers of property.

§ 88. EXAMINER OF WEIGHTS AND MEASURES.—The common council may annually appoint one examiner of weights and measures and prescribe his fees for services where the same are not fixed by law.

Examiner of weights and measures. Appointed by common council annually. Fees, council to prescribe.

*As amended by chap. 368 of the Laws of 1887.

Hay Weigher. § 89. HAY WEAHER.—The common council shall
 Council to annually appoint a weigher of hay, fix his compensa-
 appoint tion and regulate the fees for weighing.
 annually.

Pound keeper. § 90. POUND-KEEPER.—The common council may
 annually appoint pound-keepers for the city pounds.

Sextons. § 91. SEXTONS.—The common council may appoint
 sextons to have charge of the burial grounds of the
 city.

TITLE VI.

WARD OFFICERS—THEIR DUTIES.

Aldermen. § 92.* ALDERMEN.—The term of office of aldermen
 Term of office. shall be two years, and the aldermen now in office
 shall hold their offices for the term for which they
 were respectively elected. At the charter election in
 the year eighteen hundred and eighty-eight, there shall
 be elected an alderman for the term of two years in the
 second, fourth, sixth, eighth and tenth wards, and at
 the charter election in the year eighteen hundred and
 eighty-nine, an alderman for the term of two years in
 the first, third, fifth, seventh, ninth and eleventh
 wards; and thereafter as their terms of office expire,
 an alderman shall be elected in each ward at the char-
 ter election for the term of two years.

Salary. § 93. The aldermen of said city shall severally re-
 ceive an annual salary of two hundred and fifty dollars,
 which shall be in full compensation for all services
 performed by them.

*As amended by chap. 368 of Laws of 1887.

§ 94. SUPERVISORS. — There shall be elected annually in each ward one supervisor, who shall be a member of the board of supervisors of the county of Onondaga, and shall possess all the powers and authority of supervisors of towns, and be subject to the same obligations, and receive the same compensation.

Supervisors.
Elected
annually in
each ward.

Powers and
duties.

§ 95. SCHOOL COMMISSIONERS. — The term of office of the commissioners of common schools shall be two years, and upon the expiration of the term of office of any of the present incumbents, a school commissioner shall be elected for the term of two years.

School com-
missioner.
Term of office.

§ 96. They shall be voted for on a separate ballot indorsed "schools," and shall serve without compensation.

How elected.

§ 97. CONSTABLES. — There shall be annually elected in each ward one constable, who shall perform such duties as are by law prescribed to constables in the towns and counties in this State, and who shall be entitled to the same fees therefor; but no such constable shall be compelled to execute any criminal process or do any other criminal business, nor shall such constable be entitled to receive any compensation for services in criminal cases.

Constables.
How elected,
number.

Duties.

Not to execute
criminal
process.

Not entitled to
compensation
for.

§ 98. The constables elected in the several wards shall severally execute and file with the city clerk a bond, in a penal sum and with such sureties as the common council shall approve, conditioned for the faithful performance of their duties, and for the due

Bond.

Sureties.

Approval of
bond.

Liability of
sureties.

payment to every person who may be entitled thereto, of all such sums of money as said constables may become liable to pay by means of or on account of any execution or other process which shall be delivered to them for execution, service or collection. Such constables and their sureties shall be liable on such bonds in the same manner as constables of towns, and their sureties are liable on bonds given by them.

TITLE VII.

ASSESSMENT AND COLLECTION OF CITY TAXES.

Authority
of common
council.

§ 99. The common council of the city of Syracuse shall have authority and are hereby empowered to raise by tax upon the property of said city in each year as follows :

For bonded
debt.

§ 100. For principal and interest on the bonded indebtedness of the city the actual sum falling due within the ensuing year.

For school
purposes.

§ 101. For the purposes and uses of the board of education a sum not less than twice nor more than five times the amount received during the current year from the State for school purposes.

For fire
department.

§ 102.* For the expenses and support of the fire department, including salaries, a sum not exceeding one hundred and ten thousand dollars.

*As amended by chap. 368 of the Laws of 1887 and chap. 376 of the Laws of 1891.

§ 103.* 1. For the expenses of lighting the streets and public places of the city a sum not exceeding seventy-five thousand dollars.

For street lighting.

2. For the expenses and support of the police department a sum not exceeding ninety thousand dollars.

For police department.

§ 104. For water dues, the sum of twenty-six thousand dollars, or such sum as may be awarded by commissioners duly appointed for that purpose.

For water supply.

§ 105.† 1. For repairing bridges and sewers, and pairing and cleaning streets a sum not exceeding forty-five thousand dollars.

Bridges, sewers and street cleaning.

2. To defray the city's share of local improvements a sum not exceeding twenty thousand dollars.

Local improvements.

3. To defray the expenses of the support, construction, improvement and maintenance of the parks of the city, including salaries, a sum not exceeding twenty thousand dollars.

Parks.

4. To defray the ordinary and contingent expenses of the city, including interest on temporary loans, the payment of judgments, and adjustments of claims, the expenses of the board of health, the expenses of the poor department, the expenses of the police court, salaries, and all other miscellaneous expenses, a sum not exceeding one hundred and twenty-five thousand dollars.

Ordinary and contingent expenses.

*As amended by chap. 368 of the Laws of 1887 and chap 475 of the Laws of 1889, and chap. 531 of the Laws of 1893.

†As amended by chap. 376 of the Laws of 1891, and chap. 531 of the Laws of 1893.

Limitation
of tax.

§ 106.* The aggregate of the annual city tax levy exclusive of local assessments, shall not in any one year exceed the sum of eight hundred thousand dollars for all purposes; provided, however, that in the city

Additional tax
in 1893.

tax levy for the year eighteen hundred and ninety-three, there may be included in addition to the annual levy provided for by this section, the following named

Bridge over
canal at Clin-
ton street.

sums for the purposes specified, namely: To defray the city's share of the cost of constructing a hoist or swing bridge over the Erie canal at Clinton street, a sum not exceeding seven thousand dollars, any unex-

Survey for
sewerage
system.

pended balance of said sum over and above one-half the cost of the construction of said bridge to be covered into the city treasury, and be added to and disposed of as a part of the contingent fund. To defray the expenses, including salaries, of the completion of the examination and survey for a system of trunk sewerage for said city authorized by chapter three hundred and seventy-six of the laws of eighteen hundred and ninety-one, a sum not exceeding three thousand dollars; and the mayor is hereby authorized to cause such survey and examination to be completed and to appoint suit-

Unexpended
balance.

able and competent engineers for that purpose; any unexpended balance of said sum remaining after the completion of such examination and survey to be transferred to and disposed of such as a part of the contingent fund.

Manner of
assessment
of tax levy.

§ 107. All sums to be raised by general tax in pursuance of this act shall be assessed and rated upon and

*As amended by chap. 376 of the Laws of 1891, and chap. 531 of the Laws of 1893.

among the owners of real and personal estate, incorporated companies and associations, including salt works and salt manufacturing companies, named in the corrected assessment-rolls of the several wards, in proportion to the valuation therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Onondaga are rated and assessed.

§ 108.* All moneys collected by general tax or otherwise for the expense of the city government, or for any specific object or purpose whatever, shall be applied to the payment of such expenses, or for such object or purpose, and no other. It shall not be lawful to apply any money collected or appropriated for one purpose to any other purpose, and the common council is forbidden to make any direction or order for such misappropriation; the mayor approving of, or any alderman voting in favor of, a resolution which shall be adopted making any such illegal appropriation of money, or any elected or appointed officer directing any such illegal act to be done under such resolution, shall be deemed guilty of a misdemeanor, and shall be liable, upon conviction thereof, to a fine of one hundred dollars, or not more than ten days' imprisonment in the county jail, for each and every offense.

Moneys shall be applied to purposes specified.

Misappropriation of money a misdemeanor.

Penalty.

§ 109. Each member of the common council who shall vote to create any indebtedness or incur any liability beyond what is provided for in this act, or in violation thereof, shall become personally liable for the same to the person in whose favor said indebtedness

Members of common council personally liable.

shall have been incurred, but the city of Syracuse shall not be liable therefor.

Assessments a
lien upon
real estate.

§ 110. The sum rated and assessed upon the property of each person, company, corporation and association respectively in the last column of the tax-roll, when corrected, completed and filed with the city clerk, shall be a lien on the real estate described therein. After the tax-roll for the general tax shall have been filed with the city clerk, he shall deliver the

Tax roll filed
with city
clerk.

Notice by city
clerk.

same or true copies thereof to the treasurer. He shall also forthwith cause a notice to be published in the official papers that the same is left with the treasurer for collection.

Payment of
city taxes
without fees.

§ 111.* Until the first day of November thereafter every person, corporation or association may pay his, her, its, or their tax to said treasurer without any additional charges. Twenty days next thereafter succeeding, two per centum fees will be collected; for twenty days next thereafter four per centum fees will be collected; for the succeeding twenty days six per centum fees will be collected, and down to the first day of February thereafter seven per centum will be collected.

Fees, two per
centum.

Fees, four per
centum.

Fees, six per
centum.

Fees, seven
per centum.

Unpaid taxes,
notice of by
treasurer.

§ 112. If any tax shall remain uncollected at the expiration of the time last mentioned, the treasurer shall give notice to the person or persons against whom such tax stands charged. The notices shall bear even date, and shall require said person or persons or cor-

Notices, how
made.

*As amended by chap. 475 of the Laws of 1889.

poration to pay such unpaid tax to said treasurer, at his office, within fifteen days thereafter, with seven per centum fees thereon. Said notice shall be served in the same manner and form as notices in the matter of county and state tax, as specified in title five, section seventy-five of this act, and the provisions with reference to the notice and persons giving the same as specified in said section seventy-five shall to all intents apply to the notice herein specified as far as the same may be applicable.

Notices, how served.

§ 113. At the expiration of the time mentioned in the last section one per centum per month shall be added to the fees therein prescribed, and then it shall be the duty of the treasurer to proceed with the collection of the city taxes then remaining unpaid in the same manner as provided in title five, sections seventy-six and seventy-seven of this act for the collection of county and state taxes, the conditions and provisions of which sections shall be applicable to the city taxes except as herein otherwise provided.

Additional fees, one per centum per month.

Collection of unpaid taxes.

§ 114. The warrants issued by him to the officers named shall bear uniform date, and shall be returnable to him on or before the first day of May in the same year. In case any of said taxes remain unpaid after the foregoing proceedings shall have been taken, or in case any taxes mentioned in title five of this act remain unpaid, after the proceedings mentioned in that title shall have been taken, the list of all the unpaid taxes on all the rolls, both city and county, including the

Warrants issued, date when returned.

List of unpaid taxes to be delivered to assessors.

rolls for local assessments during the year then next preceding, shall be delivered by the treasurer to the assessors of the city, who made the original assessments, and they, or any two of them, shall immediately review such assessments and correct all errors of every description which may have been made, either in the original assessments or subsequent proceedings, and shall make correct and full descriptions of the several parcels of land. They shall also have power to insert in such revised roll any real estate in the city, which may have been omitted in the original rolls, upon giving notice thereof to the owner or agent of such property. They may add to said roll with proper corrections any unpaid assessments for local improvements assessed during the then next preceding year.

Correction of such lists.

May insert in lists, property omitted.

May add unpaid local assessments.

Time to make revision.

Notice of completion.

Publication of notice.

Corrected rolls returned to treasurer.

Treasurer to add to.

Filing in office of county clerk.

§ 115. They shall complete such revision within ten days, and two or more of said assessors shall subscribe to the same, and shall give public notice that they will meet at the assessor's office at the end of ten days to be designated by them to hear objections and to correct any errors which may have been made. Such notice shall be given by publishing the same for at least eight days in official papers of the city. They shall, within ten days, complete such correction and subscribe the same and deliver the corrected rolls to the treasurer. The treasurer shall add to said rolls the amount of taxes assessed against the several persons or parcels of land, designating the county and state tax separately from the others; and file a certified copy thereof in the clerk's office of Onondaga county.

§ 116. It shall be the duty of the treasurer of the city of Syracuse in each year immediately after the corrected lists of unpaid city taxes shall have been filed by him in the clerk's office of Onondaga county, as provided by law, to make and retain in his office a copy thereof, adding to each one of such unpaid taxes the sum of twenty-five cents for filing and one dollar for reassessing the same, together with the fees enumerated in sections one hundred and eleven, one hundred and twelve and one hundred and thirteen of this title.

Treasurer to keep in office copy of list of unpaid taxes.

Fees, for filing and reassessing.

Fees previously incurred.

§ 117.* The said treasurer shall thereupon proceed and collect all such unpaid taxes as follows: When ever any such tax charged on real estate in said city, and the interest thereon at the rate of twelve per centum per annum, to be computed from the first day of February, when such tax was payable, with the fees and expenses mentioned in sections one hundred and eleven, one hundred and twelve, one hundred and thirteen and one hundred and sixteen of this act shall remain unpaid for six months from said first day of February, including the taxes of any previous year which for any reason were not realized by sale of the real estate charged with such tax on the occasion of any previous annual tax sale, the treasurer shall proceed to advertise and sell such real estate in the manner hereinafter provided for the payment of such taxes, fees, interest and expenses, and the expense of advertising and selling the same, and the expense of any previous advertise-

Collection of unpaid city taxes.

Interest, 12 per centum per annum.

Fees and expenses added.

Advertisement and sale.

Expenses, &c.

*As amended by chap. 531 of the Laws of 1893.

ment of sale of said premises for taxes, where said premises were for any reason not sold, shall be charged on the land sold, and shall be added to and made a part of such tax.

Treasurer to
publish list of
unpaid taxes.

§ 118. The said treasurer shall cause to be published at least twice in each week for three weeks in the official papers of the city, a list or statement of the real estate charged with the payment of such taxes, interest

Notice of sale.

and fees so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction at the city hall in the city of Syracuse, to pay the taxes, interest, fees and expenses thereon, which may remain unpaid

Expense of
publication.

at the time of such sale. The expense of publishing such list and notices shall not exceed the sum of one dollar to each newspaper for each parcel of land so ad-

Sale to be con-
tinued.

vertised. On the day named in said notice the said treasurer shall commence the sale of said real estate and shall continue such sale from day to day until the whole thereof shall be sold.

Purchasers,
time to settle.

§ 119. The purchasers at such sale shall pay the amount of their respective bids to the said treasurer, within forty-eight hours after the sale, and thereupon

To receive
certificate.

the said treasurer shall execute to each purchaser a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same was sold for unpaid city taxes. Such purchaser and his legal representative or assigns may immediately upon receiving

Purchaser in
immediate
possession.

such certificate, by virtue thereof and of this act, lawfully possess, hold and enjoy for his and their own proper use and benefit, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided; and he and his heirs and assigns may at any time after the time limited in the next section of this title for the redemption of such premises shall have expired, and the notice therein provided for has been given, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him, in the same manner, and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term, without permission of his landlord.

Removal of
occupant.

§ 120. The owner of, or any person interested in any real estate sold for taxes as aforesaid may redeem the same at any time within two years after the date of such sale, by paying to said treasurer for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him, and the interest thereon at the rate of twelve per centum per annum, to be calculated from the date of such certificate, except as provided in section one hundred and twenty-two of this title. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act to the occupant, owner in fee, mortgagee, judgment creditor or purchaser upon any

Redemption
of property
sold for taxes.

Time.

Interest, 12 per
centum per
annum.

Notice given
by purchaser.

Time of. other tax sale of the same property, and the heirs or assigns of any or either of them, and the guardian of any infants having an interest therein at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given.

Expiration of time to redeem.

Notice given by purchaser. Description.

§ 121.* Such notice shall be either written or partly written and partly printed and shall state briefly the lot or parcel of land to be redeemed; the tax, costs, interest and expenses required to be paid upon such redemption, the last day of redemption of any such real estate, and the office or place where the money for such redemption can be paid, which office or place shall be in the city of Syracuse. Such notice shall be served personally or left with some person of suitable age and discretion, at the residence or place of business of any and all persons entitled to such notice, if they or any of them reside in the city of Syracuse, or have a place of business therein; and in case they, or any of them do not reside, or have a place of business in said city, then such notice shall be deposited, postage paid, in the post-office addressed to them at the post-office at or nearest their known place of residence; and if the residence or address of any such person or persons be not known then such notice shall be published at least once a week for three months prior to the day therein named for redemption in each of the newspapers in which the notice of sale was originally pub-

How served.

To non-residents notice shall be published.

*As amended by chap. 531 of the Laws of 1893.

lished ; and for the purpose of ascertaining the persons entitled to such notice, the purchaser is hereby authorized and empowered to procure a proper abstract of title of such premises from the clerk of Onondaga county, extending, if need be, back to the original source of title. The expenses of such abstract, and the mailing and publishing of such notices shall be added to and become a part of the amount required to be paid for the redemption of such real estate. Such notices shall not be served, nor shall the publication thereof, when required, be commenced within eighteen months after the date of the certificate.

Expense of notices.

Time of service of notice.

§ 122. If, upon any such sale, any piece of land be sold for more than the amount then due for the tax, fees, interest and expenses, including the expenses of advertising, the certificate delivered to the purchaser shall draw interest at the rate aforesaid only upon the amount so due, and no interest upon any excess over such amount.

Sale of land for more than amount of tax.

No interest on amount more than due.

§ 123. If such real estate, or any part thereof, be not redeemed as herein provided, the said treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee. The said treasurer shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be executed by said treasurer under his hand and seal of said city, and the execution thereof shall be acknowledged before a proper officer,

Treasurer to give conveyance.

Treasurer's fees for same.

Conveyance executed by treasurer under seal of city and acknowledged.

Conveyance
evidence of
regularity of
sale, &c.

Conveyance
to be recorded
same as deeds,
&c.

the same as other conveyances of real estate are acknowledged under the laws of this State, and such conveyance shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

Purchaser pro-
tected in case
of irregu-
larity.

§ 124. Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceeding for the collection of any tax, the common council of said city shall reimburse the purchase money so paid, with interest at six per centum from the time of its payment, the amount thereof to be presented and audited as other city charges, and paid by the treasurer of said city.

Interest on
reimburse-
ment.

§ 125. Whenever any city tax levied and assessed upon any person or property in the city of Syracuse, with the fees, interest and expenses which may by law be added thereto, shall remain unpaid for six months after the warrant for its collection has been placed in the hands of the treasurer of said city, the said treasurer may maintain an action in his name of office for the amount of such tax, fees and expenses remaining

Treasurer
may enforce
collection of
taxes.

unpaid and uncollected, with interest thereon at the rate of twelve per centum per annum, to be computed from the first day of February, when such tax was payable, against any person or corporation liable for such tax, or the representative of such person or corporation, in any court of competent jurisdiction in which the proceedings, costs, judgments and executions shall be the same and with like effect as in actions between other public officers and individuals, and the amount collected by any such suit shall be used and applied by said treasurer in the same manner as though the same had been collected by the sale of real estate. The warrant so delivered to the treasurer shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law. Nothing in this act contained shall be construed to repeal or abridge any power now had by officers for the collection of taxes in said city of Syracuse.

Interest, 12 per centum per annum.

Warrant evidence of.

Not to conflict.

§ 126. All the provisions of this act shall apply to and include the collection of all local assessments and taxes for local improvements, provided that no sale of real estate for any unpaid local assessments shall be made within one year from the time when the same became due and payable.

Local assessments, applied to.

No sale within one year.

§ 127. Whenever there is manifest error in copying any assessment-rolls, or in levying and extending any tax or assessment, the common council may at any time within six months after the completion of such assessment-roll, by a vote of two-thirds of all the

Error in copy of assessment roll and otherwise.

Council may correct by two-thirds vote.

Council no
power to
change
valuation.

members elected, correct, cancel, remit or add to the same, but shall have no power to alter any valuation made by the assessors; nor shall such amended assessment, if greater than the original assessment, be a lien on the real estate for the amount added as against purchasers, or mortgagees, in good faith.

Council may
renew
warrant.

§ 128. The common council may, by a vote of two-thirds, of all the members elected, renew any warrant for local assessments, or city or county tax, once, for a

Not exceeding
thirty days.

term not exceeding thirty days.

Council may
reassess in
certain cases.

§ 129. In case any tax or assessment shall be void or have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof, the common council shall have the power, and it shall be their duty, to cause the same to be reassessed in a proper

Council may
refund.

manner; if any person shall have paid on the former assessment, the same shall be credited, or in case the payment exceed the amount re-assessed, the surplus

Council shall
make addi-
tional assess-
ment for local
work.

shall be refunded. In case any amount assessed for local improvements at any time shall be insufficient to defray the expense of such improvement, the common council shall cause to be assessed the amount which the actual expense thereof exceeds the amount first assessed, to be assessed in like manner as other assessments of a like nature.

Taxes and
assessment
cease to be a
lien.

§ 130. All taxes and assessments on real estate shall cease to be a lien, as against subsequent purchasers, mortgages and other incumbrancers, unless the certified copy mentioned in section one hundred and sixteen

shall be filed in the county clerk's office within one year after the making of the original assessment-roll, and such lien shall cease as against the same description of persons at the end of five years from the date of filing said certified copies.

TITLE VIII.

BOARD OF CITY AUDITORS.

§ 131.* The supervisors elected from the several wards, together with the mayor of the city, shall constitute the board of city auditors; the mayor shall be chairman of said board, ex-officio, and the city clerk shall be ex-officio clerk of said board, but shall receive no extra compensation therefor. The members of said board except the mayor shall receive as full compensation for their services as such, the sum of one hundred dollars each, annually. From and after the fifteenth day of December, eighteen hundred and eighty-eight, the said board of city auditors shall cease and determine; and all the powers and duties theretofore vested in, and resting upon said board of city auditors shall be transferred to, and be exercised by the mayor and common council of said city; and every officer, board or department of said city theretofore required to report to said board of city auditors shall report in like manner to the common council.

Ceased to
exist Dec. 15th,
1888.

§ 132. Except as herein otherwise provided the board of city auditors shall possess the powers and perform

Powers and
duties.

*As amended by chap. 449 of Laws of 1889.

the duties of town boards in the several towns of the county of Onondaga, as now regulated by the general statutes of this State.

To have general management and control.

§ 133. The said board shall have the general management and control of the poor department of said city and of the finances of the police department and board of health; and they shall have power to borrow money from time to time when necessary for the support of the poor, the maintenance of the police department, the payment of salaries and the expenses of the board of health, in anticipation of the county tax in each year. Six supervisors shall be necessary to constitute a quorum, and in the absence of the mayor the board may select a chairman pro tempore from their own number.

To constitute a quorum.

The paying out of moneys.

§ 134. No moneys shall be paid out by said board except by resolution and upon warrants signed by the mayor and clerk, and the ayes and nays shall be called and recorded upon all resolutions authorizing the borrowing or the expenditure of money.

All records and accounts to be presented to the board.

§ 135. It shall be the duty of the board of police commissioners and of the board of health to present all records kept by them respectively, and all accounts of moneys received or disbursed by either of them to said board of city auditors at such times as they may require or prescribe.

Power to make, alter and repeal rules, &c.

§ 136. The said board shall have power to make, alter, amend and repeal all such rules and regulations as they may deem necessary or proper for the execu-

tion of the power and the performance of the duties imposed upon them by this act, or by the general statutes of the State. They may prescribe the form of affidavit to be sworn to and annexed to all bills payable by them, and fix the time and manner of auditing and paying accounts and salaries.

§ 137. The expense to be paid by the board of city auditors by and out of the county tax levied and collected as in this act provided, shall be the expenses of the police department, including salaries, the expense of the police court, including the salaries of the police justice and clerk, the expenses of the poor department, including the salaries of the overseer and assistant overseer, the expenses of the board of health, including salaries, and the salaries of the assessors and city auditors. Expenses to be paid by the board.

TITLE IX.

LOCAL ASSESSMENTS AND IMPROVEMENTS.

§ 138*. The common council of said city shall have jurisdiction and authority to order the construction and repair of sewers, pavements, gutters and sidewalks and macadamizing of streets, and all other local improvements upon any street or part thereof, within said city, including the sprinkling, grading and repairs of streets, and to provide for and defray the expenses thereof by local assessment. Authority in common council to make local improvements.

*As amended by chap. 449 of the Laws of 1888.

Petitions for
local improve-
ments.

§ 139.* Before any local improvement shall be undertaken, except for the construction, repair or reconstruction of sidewalks, it shall be necessary for the owners of at least one-third of the total number of front feet, lineal measurement, or at least one-third in number of the owners of the property on the street or part of a street in or upon which the proposed improvement is to be made, to petition, request or consent, in writing, for the making thereof. Upon the receipt of any such petition, request or consent for any local improvement, the common council, if it shall determine to make the improvement asked for, shall cause a printed or written notice of the proposed improvement to be served on the persons owning property fronting upon the street or part of a street in or upon which such improvement is proposed to be made; such notice shall be served upon the owner personally, or by leaving the same at his residence with some person of suitable age and discretion, or by depositing the same in the post-office, properly inclosed, postage paid, and directed to such owner at his last known place of residence. If there be two or more owners of any one piece of property, service upon any one of them shall be sufficient.

Service of
notice upon
property
owners.

Notices, how
served.

Notices shall
be served ten
days previous
to.

And shall
specify time
objection
must be made

§ 140. Such notices shall be served at least ten days before the improvement shall be ordered by the common council, and shall specify the time within which any person interested may object to such improvement, which time shall not expire sooner than the next regu-

*As amended by chap 475 of the Laws of 1889 and chap. 531 of Laws of 1893.

lar meeting of the common council, and that in case no objection is made within the time specified, all persons interested will be deemed to have acquiesced in the proposed improvement. Such objection must be made in writing, delivered to the city clerk. If no objection be made, the common council may, at any regular meeting within two months after the expiration of such ten days, by a majority vote, subject to the mayor's veto, as in other cases, order the improvement to be made; but if any such objection be made within the time specified, the improvement shall not be ordered except by the vote of two-thirds of all the members of said common council.

Objections must be made in writing.

In case of objection two-thirds vote required.

§ 141.* Before the common council shall direct the service of the notices aforesaid, it shall be the duty of the assessors, or a majority thereof, to examine such petition or consent and certify that the number of owners required by section one hundred and thirty-nine have signed the same, which certificate shall be indorsed upon said petition and shall be final and conclusive evidence of that fact. No person signing a petition, request or consent shall be counted or considered upon a remonstrance against the improvement petitioned for, requested or consented to by him; nor be permitted to withdraw his name from such petition, or revoke such request or consent, within three months after the presentation of such petition, request or consent to the common council.

Assessors to certify to petitions.

Signers of petitions, &c., restricted in withdrawing, &c.

*As amended by chap. 449 of the Laws of 1888, and chap. 531 of the Laws of 1893.

Commissioner
of public
works to cer-
tify comple-
tion.

Local im-
provement
bonds.

Bonds exe-
cuted by may-
or and city
clerk.

Interest not
exceeding four
per centum.

Proceeds of
sale of bonds,
how applied.

Proceeds of
assessments,
how applied.

§ 142.* Upon the completion of any local improve-
ment, the commissioner of public works shall certify the
fact to the common council and the total cost thereof,
including the cost of inspection and all other expenses
incidental to such improvement. Whenever such
total cost shall exceed the sum of one thousand dollars,
the common council may, in its discretion, issue local
improvement bonds, in amount not exceeding, in the
aggregate, four-fifths of such total cost, nor in excess
of the amount of such cost remaining unpaid as shall
be certified by the city treasurer at the expiration of
the sixty days mentioned in section one-hundred and
forty-five of said chapter, one-fourth of which shall
mature in one year, one-fourth in two years, one-fourth
in three years, and one-fourth in four years, from a
date not more than ninety days after the date of the
certificate of the city treasurer. Such bonds shall be
executed by the mayor and city clerk under the corpo-
rate seal of said city, and shall be issued at not less
than the par value thereof, and shall bear interest at a
rate to be approved by the common council, not ex-
ceeding four per centum per annum, and shall specify
the improvement for which they are issued. The pro-
ceeds of the sales of such bonds shall be applied toward
the payment cost of such improvement. Such part of
the proceeds of the assessment, hereinafter provided
for such improvement, as shall be necessary, shall be
applied in payment and redemption of the bonds hereby
authorized, with interest thereon as provided therein,

*As amended by chap. 449 of the Laws of 1888, chap. 475 of
the Laws of 1889, and chap. 376 of the Laws of 1891.

as the same shall become due and payable. The sur-^{Disposition of surplus.}plus, if any, shall be credited to the contingent fund.

Upon receipt of the certificate of the commissioner of public works above referred to, the common council^{Council to direct assessment.} shall direct the total cost of such improvement to be

assessed by the assessors of the city, and it shall be their duty immediately to assess the same upon the property fronting upon the street, in or upon which the improvement has been made, in an equitable manner, as near as may be, in proportion to the benefits which each owner of such property may be deemed to derive therefrom, without reference to erection or improvements thereon. Provided, however, the common council may, during the progress of the work upon any local improvement, upon the certificate of the commissioner of public works, that a portion thereof has been completed in accordance with the terms of the contract therefor, estimating the value of the part so performed at the contract price therefor, advance to^{Advances to contractors.} the contractor, upon the contract price a sum not exceeding seventy-five per centum of the estimate so given. Such advance payment shall be refunded out of the proceeds of the assessment for such work, or of bonds issued on account thereof.

§ 143. They shall make out an assessment-roll and^{Manner of assessment.} set the amount of the tax assessed in the last column of the roll, opposite the name of the person, corporation, association or property assessed and shall leave the said roll at their office, and thereupon give public^{Notice of completion of assessment.} notice in the official papers for one week that such as-

Assessors
shall hear
objections.

Correction of
assessment.

Appeal from
assessment.

assessment roll will remain at their office, for the term of ten days from the date of such notice, during which time any person interested may examine the said roll, and at the expiration of said ten days, and on a day and hour, and at a place to be specified in said notice, the said assessors shall meet and hear any objections to said assessment, and shall decide upon the same, and shall, if need be, alter and correct said assessment roll, and when completed, sign the same, and file it with the city clerk; whereupon and within one week any party thinking himself aggrieved may file with the clerk a written appeal thereupon, briefly stating the grounds of such appeal.

Council to
hear appeal.

§ 144. The common council shall thereupon proceed to hear and determine such appeal or appeals, upon view of the property assessed, or upon evidence, or both, and affirm or reverse the assessment. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken. In case of reversal the common council shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be invested with the same powers as the assessors of the city, commissioners to make a new assessment. They shall make their tax-roll in the same manner and sign the same and file it with the city clerk, which shall be conclusive upon all parties. The common council shall then proceed in the same manner as if no appeal had been taken during the ten days aforesaid, cause the proper warrant to be attached and deliver

New
assessment.

Proceedings in
new assess-
ment by
council.

the same to the treasurer. The aforesaid commission-^{Compensation of commis-}
 ers shall receive three dollars per day for their services.^{sioners.}

§ 145.* Whenever the assessment-roll for any local^{Collection of}
 improvement shall be left with the treasurer, he shall^{local}
 receive the taxes thereon for the first ten days without^{assessments.}
 fee; for ten days thereafter at one per centum fee; for
 the next twenty days at three per centum fee, and for
 the succeeding twenty days at five per centum fee.
 If any such taxes remain unpaid at the expiration of
 the sixty days herein mentioned, the said treasurer
 shall proceed to collect the same with the fees thereon
 and interest at the rate of twelve per centum per^{Interest}
 annum, in the same manner as directed in this act for^{thereon.}
 the collection of county or city taxes by distress and
 sale. Provided that in any case when the common
 council shall issue local improvement bonds as author-^{In case of}
 ized by section one hundred and forty-two of said chap-^{issue of bonds,}
 ter as amended, the payment of one fifth of every such^{payable in five}
 tax shall become due and payable at the time or times,
 and subject to the penalties above prescribed; one-fifth
 thereof, with one year's interest thereon added at the
 rate of five per centum per annum, shall become due
 and payable one year thereafter, subject thereafter to
 the same penalties, and all provisions for the enforce-
 ment and collection of said assessment; one-fifth
 thereof, with two years' interest thereon added at the
 rate of five per centum per annum, shall become due
 and payable two years thereafter, subject thereafter to

*As amended by chap. 449 of Laws of 1888, and chap. 376 of
 the Laws of 1891.

the same penalties and provisions; one-fifth thereof with three years' interest thereon added at the rate of five per centum per annum, shall become due and payable three years thereafter, subject thereafter to the same penalties and provisions; and one-fifth thereof with four years interest thereon added at the rate of five per centum per annum, shall become due and payable four years thereafter, subject thereafter to the same penalties and provisions. In case of any default in payment of any installment within sixty days after the same becomes due and payable as above provided, the whole amount of the tax assessed upon such improvement against the person or persons so in default, with fees as above prescribed, computed upon such whole amount, shall thereupon become and be due and payable; and the treasurer shall proceed to collect the same with the fees and interest thereon at the rate of twelve per centum per annum, in the manner above prescribed.

Whole
becomes due
in case of
default.

Fees, twelve
per centum
per annum.

Construction
of sidewalks
and gutters.

§ 146. The common council may, in their discretion, order the construction of a sidewalk or gutter, upon one side only of any street or part of street, in which case only the property fronting upon that side of the street so improved shall be deemed the property fronting upon the street or portion of the street in which the improvement is made.

Council shall
declare inten-
tion to con-
struct sewers.

§ 147. Whenever the common council shall undertake the construction of a sewer under the provision of this title they shall, prior to ordering the service of notices as prescribed in sections one hundred and

thirty-nine and one hundred and forty, by resolution declare their intention to construct such sewer, specifying in the resolution the two points between which it is proposed to construct the same, together with the size thereof, and the materials of which it is to be constructed.

§ 148. The city engineer shall thereupon make a survey and prepare an estimate of the material required, and also the amount of each kind of excavation, together with the total cost of the same, and file such estimate with the clerk. The common council shall thereupon cause such notices to be served as provided in said sections at least ten days before the work shall be ordered, and shall also cause similar notices to be published in the official papers for one week, the first publication to be at least ten days before the work shall be ordered, and such notices shall specify the size and estimated cost of such sewer and the points between which it is to be constructed.

§ 149. At any time after the first publication of such notice, and before the work is ordered, any person interested may object to the same, such objection to be made in writing, delivered to the city clerk; if no objection be made, the common council may, at any regular meeting within two months after the expiration of such ten days, by a majority vote, subject to the mayor's veto as in other cases, order such sewer to be constructed; but if any objection be made within the time specified, the common council shall hear such

Must specify size, &c.

City engineer to make survey and estimates.

Council to cause notices to be served.

Publication of notices.

Property owners may make objection.

Proceedings in case of no objection.

In case of objection. objection, with any evidence which may be offered, but shall not order the construction of such sewer, except by the vote of two-thirds of all the members of the common council.

Two-thirds vote necessary in case.

Cost of sewers' how paid.

§ 150. The cost of constructing any sewer shall be assessed and collected the same as other local improvements, except that whenever the common council shall

In case of sewers of over two feet diameter.

order any sewer to be constructed of a size greater than two feet in diameter, they shall cause the estimated expense of a two-foot sewer of the same kind on the same line to be assessed upon the property fronting

City to pay all over.

upon the line thereof, and the excess over and above such sum shall be paid by the city at large out of the contingent fund. It shall be the duty of the city engineer to furnish the common council with a certificate of the whole expense of such work, with an estimate of what, in his opinion, would be the expense of constructing a two-foot sewer of the same kind.

Engineer to estimate cost of two-foot sewers.

Sewers to conform to established system.

§ 151.* All sewers constructed in said city shall conform in all things to the system of sewerage established under the provisions of chapter seven hundred and eighty of the laws of one thousand eight

When council may change.

hundred and sixty-eight, except it be made to appear to the common council that said system is incorrect, in which case the said common council may, in their discretion, make any necessary changes in said system and may increase the size, or change the grade of any sewer and determine its place of dis-

*As amended by chap. 449 of the Laws of 1888, and chap 475 of the laws of 1889.

charge, and such change and the determination of the common council shall be carried out under the advice and direction of the commissioner of public works; and whenever such system provides for the construction or extension of any sewer beyond the corporate limits of said city, said common council shall have power and is hereby authorized to order the construction or extension of the same beyond such corporate limits, having first obtained the consent or approval of the lawful authorities of any village or town through which the same is proposed to be constructed or extended, and the consent of the owners of any private property in such town or village through which such sewer may run.

Commissioner of public works to supervise. Sewers beyond city line.

Consent of village or town authorities to be obtained.

Consent of private owners outside of city.

§ 152. Whenever the common council shall undertake to repave or re-macadamize any street or part of a street in said city which has already been paved or macadamized, or to grade or regrade the same, such work shall be deemed a local improvement and subject to the provisions of this title.

Repairing, Macadamizing, grading and regrading a local improvement.

§ 153.* In proceedings for paving, repaving or macadamizing any street or part of a street, the term "pavement" shall be deemed to include curbstones and gutters.

Pavement defined.

§ 154.† In all cases where the common council shall order any pavement to be made in any street, or part

Gas and water mains to be laid before paving.

*As amended by chap. 449 of the Laws of 1888.

†As amended by chap. 449 of the Laws of 1888 and chap. 531 of the Laws of 1893.

Construction
of sewers.

of a street, where the gas and water mains have not been laid, or where those already laid are of insufficient capacity or improperly located, they shall require such gas and water mains to be laid before such paving is done, and in every case where in accordance with the system of sewerage of the city, a sewer has not been built in any street or part of a street thus to be paved or repaved, and where in any case a sewer has not been built in any street or part of a street, or a sewer already constructed in such street or part of a street, shall be condemned by the common council as insufficient in capacity or improperly located as to depth or alignment, or a menace to health or for any other cause, the common council may, on their own motion, by the two-thirds vote of all the members elected, cause such sewer to be constructed of such size and depth and in such location as will correspond with the system of sewerage of this city, if such system, as established, or as may be established, includes such street or part of a street, or as shall be deemed sufficient and proper by the common council in case such system does not include such street or part of a street, and the expense thereof defrayed by a local assessment, subject to the provision of section one hundred and fifty, the same to be constructed before such paving or repaving shall be done, in case such street or part of a street is to be paved or repaved.

Expense
defrayed by
local assess-
ment.
When to be
constructed.

Work and
materials, con-
tracts for,
how let.

§ 155.* Whenever the common council shall order any work done or materials or supplies to be furnished,

*As amended by chap. 449 of Laws of 1888.

under the provisions of the foregoing sections of this title, the same shall be done by contract if it shall involve an expenditure exceeding seventy-five dollars, and such contract shall be let to the lowest bidder, who shall give one or more sureties, being freeholders, for its faithful performance, who shall make oath in writing that he or they are worth a sum double the contract price, over all debts and liabilities he owes or has incurred and exclusive of property exempt from execution. When the lowest bid in the opinion of the common council is too high, they shall have the right to reject it, and may then by resolution discontinue or abandon the work, or they may direct the clerk to advertise for new proposals.

Sureties must
be free
holders.

Right to reject
bids.

§ 156.* All work done under the provisions of the foregoing sections of this title shall be done under the direction of the commissioner of public works, and in accordance with the plans, specifications and estimates prepared by the city engineer, unless otherwise specially ordered.

Work shall be
done under
direction of
commissioner
of public
works, and the
city engineer.

§ 157. Whenever directed by the common council the clerk shall advertise for proposals for such length of time as the council shall direct, not less than five days, and the common council shall in each case prescribe the amount which each bidder shall deposit as security for entering into any contract which may be awarded to him. The proposals shall be in such form as the council shall prescribe.

Advertise for
proposals at
least five days.

Bidders shall
deposit
security.

*As amended by chap. 475 of the Laws of 1889

Powers of council relative to sidewalks and gutters.

§ 158. The common council of said city shall also have jurisdiction, without petition, request or consent, require the owners of property fronting upon any street, highway, alley or public place, to make, construct, relay, repair and keep in order the sidewalk and gutter in front of such property as hereinafter provided.

Construction and repair of sidewalks and gutters.

§ 159. Whenever the common council shall deem it necessary that any existing sidewalk or gutter be relaid, or new sidewalk or gutter constructed, they shall require a notice to be served upon the owner of the premises in front of which such sidewalk or gutter is to be relaid or constructed, requiring him to relay or

Notice to be served.

Time allowed.

In case of new walks.

construct the same, as the case may be, within two weeks after the service of such notice; and in case a new sidewalk shall be required to be constructed, the council shall prescribe and the notice shall specify the width and thickness of such sidewalk and the materials of which it is to be constructed. No new sidewalk or gutter shall be ordered constructed except by the vote of two-thirds of all the members of the common council. Such notice shall be served in the manner prescribed in section one hundred and thirty-nine. In case such notice be served by mail, the owner shall have twenty days from the mailing thereof in which to comply with its requirements.

Two-thirds vote required to order new walks or gutters.

Twenty days allowed.

In case of neglect or refusal.

§ 160. In case any owner shall neglect or refuse to relay or construct such sidewalk or gutter within the time limited therefor, the common council shall have authority to relay or construct the same, and to cause

the expense thereof to be assessed and collected in the same manner as other local assessments.

§ 161.* It shall, in all cases, be the duty of the owner of every lot or piece of land in said city to keep the sidewalks and gutters adjoining his lot or piece of land at all times safe and in good repair, and also to remove and clean away all snow and ice or other obstruction therefrom. In case any sidewalk or gutter in said city shall, at any time, in the judgment of the commissioner of public works require cleaning, repair or improvement, the said commissioner of public works may serve a notice upon the owner of the abutting lot requiring him forthwith to clean, and within five days to repair or improve such sidewalk or gutter; such notice shall be served in the manner prescribed in section one hundred and thirty-nine. If such notice to repair or improve shall be served by mail; the owner shall have ten days in which to comply with its requirements.

Property owners to keep gutters and sidewalks cleaned and repaired.

Must clean away snow and ice.

Commissioner of public works to determine when cleaning and repairing is necessary.

May serve notice upon owners.

Notice, how served.

Mail service allows ten days.

§ 162.* If any person shall neglect or refuse to do such cleaning or to make such repairs or improvements within the time limited therefor by such notice, the said commissioner of public works shall have the power to clean, repair or improve the same in such manner as he shall deem proper and suitable. Whenever said commissioner shall do such cleaning or make such repairs or improvements, he shall deliver to the owner or send to him by mail, whether he resides in the city

In case of neglect.

Commissioner of public works may.

Commissioner of public works to make statement to owner of expenses.

*As amended by chap. 475 of the Laws of 1889.

In case of non-payment within ten days. or elsewhere, a statement of the expense thereof. If such expense be not paid to the city treasurer within ten days after the delivery or mailing of such statement, the said commissioner shall file his affidavit of the actual expense thereof with the assessors of the city, and the same shall thereupon be assessed by them and collected the same as other local assessments, with interest thereon at the rate of twelve per centum per annum from the time such affidavit was filed.

Commissioner to file affidavit with assessors.
Assessed upon the property.
Interest 12 per centum.

§ 163.* Such repair shall correspond in the materials used, and in the execution of the work, with the original sidewalk or gutter, unless the common council shall direct a change, in which case such direction shall be carried out.

Repairs shall correspond with original, unless.
Council and Engineer to approve grade of gutters and sidewalks.

§ 164. Whenever any sidewalk or gutter shall be relaid or constructed, the same shall be relaid or constructed upon the grade fixed or approved by the common council or the city engineer.

Council to cause sewer inlets and service pipes for gas and water to be constructed and laid.

§ 165.† In all cases hereafter, where the common council shall order any street or part of a street to be paved, repaved or macadamized, before such paving, repaving or macadamizing shall be done, said common council shall, at such distances apart as the city engineer shall prescribe, cause sewer inlets to be constructed from any sewer in such street or part of a street, and service pipes to be laid from any gas and water mains in said street or part of a street to a point

*As amended by chap. 475 of the Laws of 1889.

†As amended by chap. 449 of the Laws of 1888.

beyond the curbing or gutter upon either or both sides of the street or part of a street so ordered to be paved, repaired or macadamized as aforesaid, of such size as in his judgment will be sufficient at all times for the requirements of such street, and to include and collect the cost of such sewer-inlets as a part of such work. May collect cost of sewer inlets.

The cost of such service pipes and of the laying thereof shall be paid to the city on demand by the company Cost of services, pipes and laying, how paid. with whose main the same shall connect.

TITLE X.

OF THE OPENING, WIDENING, ALTERING AND
STRAIGHTENING OF STREETS.

§ 166.* Before any street, highway, alley, lane or public ground shall be laid out, widened, altered or straightened by virtue of this act, the common council shall cause the same to be surveyed and monuments placed, showing the lines thereof, and a map to be made of the same and of all property which in its judgment will be benefited by the proposed improvement; which map shall be filed in the city clerk's office and a copy thereof in the county clerk's office, and for that purpose the common council and those acting by its direction shall have power to enter upon any ground in said city. Streets, openings, &c.
Survey and monuments.
Maps.
Property benefited.
Filing of maps.

§ 167.* The common council shall then, by resolution, declare its intention to take, and describe the Council, to declare intention to take property, etc.

*As amended by chap. 449 of the Laws of 1888.

Resolution,
how published
and served.

property proposed to be taken and appropriated for such improvement and shall designate a time, place and court of record when, where and in which application will be made for the appointment of three commissioners to ascertain and report the just compensation to be paid to the person or persons owning or having interest in the property proposed to be taken. Such resolution shall be published in the official paper or papers of the city and a copy thereof shall be served upon each owner of any property shown to be benefited by such map, either personally or by depositing the same in the postoffice, in a post-paid sealed wrapper, addressed to such owner at his last known place of residence, at least ten days before the time designated for such application; if there be two or more owners of any one piece of property service upon any one of them shall be sufficient. Upon the day designated in said notice or upon some other day to be fixed by the court, it shall hear the application and may appoint such commissioners and fix the time and place for their first meeting. Whenever any commissioner shall decline to serve, the court may appoint another in his place.

Appointment
of commis-
sioners, of
appraisal.

Duties of
commissioners

§ 168.* The commissioners shall, before they enter upon the performance of their duties, take and subscribe an oath faithfully to execute their duty to the best of their ability. They shall together view the property proposed to be taken and may in their discretion receive any evidence concerning the same, and may adjourn from time to time. They shall ascertain

To make
awards.

*As amended by chap. 449 of Laws of 1888.

and award to the respective owners of property to be taken and to all persons or corporations interested therein such damages therefor (deducting the benefits to their adjoining lands) as in the opinion of the commissioners shall be just compensation to them respectively. The report of the commissioners or a majority ^{To report to council.} of them shall be returned to the common council within thirty days after their appointment, unless such time be extended by the common council. They shall each ^{Compensation} receive three dollars per day for their services.

§ 169. Any person considering himself aggrieved ^{Appeals and subsequent proceedings.} by such report may, within ten days after the filing of the same, appeal to the county court of the county by filing with the city clerk, and by serving on each of the commissioners, a notice of appeal stating the grounds thereof. The appellant shall, at the same time, pay to each of the commissioners two dollars to pay for their return. The commissioners, or a majority of them, shall immediately and within ten days ^{To make return in ten days.} return to the county court and file with the clerk thereof a full return of all the evidence and proceedings taken before them and the reasons for their decision. Such commissioners may be compelled to make or amend their return in the same manner as the returns of justices in appeal cases at any time within ten days after the filing thereof.

§ 170. On notice by either party of five days ^{Right of appeal.} the appeal may be brought on to argument on the commissioners' report, the return of the commissioners and the notice of appeal. The county court may, in deciding

such appeal, affirm, modify or disapprove such report as said court may deem proper, without reference to technical objections. If the court shall modify or disapprove the same, the court may refer it back with instructions to the commissioners for correction, or the court may appoint three other commissioners to assess anew the damages, who shall proceed in all respects as the commissioners making the first assessment are required to proceed. If the amount of damages awarded to any person shall not be increased or diminished more than fifty dollars from the former report, such last report shall be conclusive between all parties; otherwise, the same may be appealed from in the same manner, and the county court shall have the same power upon such appeal as upon appeal from the former report. The county court shall be always open for the transaction of any business under this title.

New commis-
sioners may be
appointed.

Further ap-
peal may be
had.

Assessment of
damages, etc.,
by assessors.

§ 171.* In case there shall be no appeal from the report of the commissioners, or upon the final determination of any such appeal, the common council shall direct the assessors of said city, and said assessors shall thereupon proceed to assess the amount awarded for damages with the commissioner's fees and all expenses, specifying the aggregate amount of the same upon the property to be benefited by such improvement, according to the map referred to in section one hundred and sixty-six, in a just and equitable manner as near as may be in proportion to the benefits received. They shall

*As amended by chap. 449 of the Laws of 1888, and chap. 595 of the Laws of 1892.

make out an assessment-roll and set the amount of the tax assessed in the last column of the roll, opposite the name of the person, corporation, association or property assessed, and shall leave the said roll at their office and thereupon give public notice in the official papers for one week that such assessment-roll will remain at their office for the term of ten days from the date of such notice, during which time any person interested may examine the said roll, and at the expiration of said ten days, and on a day and hour and at a place to be specified in said notice, the said assessors shall meet and hear any objection to said assessment, and shall decide upon the same, and shall, if need be, alter and correct said assessment-roll, and when completed sign the same and file it with the city clerk, whereupon the assessment may be appealed from in the same manner, Appeal. and the common council shall possess the same power in reference thereto, and proceed in the same manner as on appeals from other local assessments. Provided, Pending however, that no case in which a proceeding for opening or extending any street, highway, alley, lane or public ground is now pending shall be affected by any amendment hereby of section one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, or one hundred and seventy-one of said chapter. proceedings not affected.

§ 172. When there are infants or other incompetent persons owners, whose property is affected by any such improvement, the county or supreme court shall ap- Where there are infants.

point guardians ad litem, to protect their interests and prosecute appeals.

Awards shall be paid after final determination.

§ 173. Immediately after the final determination of all proceedings in which any award shall have been made, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each respectively; in case any such owner shall refuse the same, or be unknown or non-resident of the city, or for any reason be incapacitated from receiving the amount, or the right thereto be disputed or doubtful, the common council may make payment of the portion into the office of the clerk of the county of Onondaga, as clerk of the supreme court, accompanied with a statement of facts and circumstances in each case, and a transcript of the report of the commissioners, as relates to the ascertainment of the amount so paid in; and said clerk shall make a report to the supreme court at its first term, special or general, held therefor in the county, of the amount thus deposited, accompanied with the statement and transcript aforesaid; and the supreme court shall have authority, and it shall be their duty at such term of court, to order the investment of such money, or the payment over on the ascertainment of the person entitled thereto. Upon such payment or tender, or payment to the clerk being fully made, the fee of the land shall be vested in the city.

In case of refusal or right disputed.

Clerk shall make report.

Fee of land shall be vested in the city, when?

TITLE XI.

BOARD OF EDUCATION.

§ 174.* The commissioners of common schools of the several wards shall constitute the board of education of the city. The board shall meet annually on the second Tuesday after the annual charter election, and appoint a president from their own body; a majority shall constitute a quorum but a less number may adjourn. The president shall have a vote on all questions, and in his absence a president pro tempore shall be appointed. The president shall hold his office at the pleasure of the board.

§ 175. There shall be appointed by the board at the first annual meeting succeeding the passage of this act and at every third annual meeting thereafter a superintendent of schools. Each and every superintendent of schools appointed in and for the city of Syracuse after this act takes effect shall be appointed and shall hold the office for three years unless sooner removed by resignation, death or for cause. Whenever any written charges shall be presented against the said superintendent for incapacity, official misconduct or other offense, specifying the same, the board of education shall cause a copy of the same to be served on the said superintendent at least five days before the hearing of the same, with a notice of the time and place of the hearing thereof. At the time and place specified in

Board of
education,
organization
and quorum
of.

City superin-
dent of
schools.

Appointment
and term of.

Charges
against, how
determined.

*As amended by chap. 18 of the Laws of 1889.

said notice, the said board of education shall proceed to hear the evidence offered and determine said charges. If the said charges are not sustained, the said board may dismiss the same; or, if sustained, they may by resolution remove said officer and declare such office vacant and proceed to fill the vacancy as hereafter specified. No person shall be removed unless by an affirmative vote to be taken by ayes and nays of two-thirds of all the members elected to the board of education. The salary of such superintendent shall be fixed by the board of education and shall not be subject to change during the continuance of said term, and he shall act during such term as clerk of the board. The superintendent shall exercise a general supervision over the schools of the city, subject always to the direction of the board of education, and he shall perform the duties prescribed by law and such other duties as the board may from time to time direct. He shall keep a record of the proceedings, which record, or a transcript thereof, certified by the president or superintendent, shall be received in all courts as prima facie evidence of the facts therein stated. Such records and all the accounts and books of said board shall at all times be subject to the inspection of the common council and of any committee thereof. Should any vacancy occur in the office of superintendent of schools at any time, either by reason of death, resignation or removal as above stated, such vacancy shall be filled by the board of education for the balance of the term so made vacant.

Vote
necessary for
removal.

Salary and
duties of super-
intendent.

Record of pro-
ceeding, &c.

Vacancies,
how filled.

§ 176.* The board of education shall annually report ^{Annual report.} to the common council, on or before the first day of April after the charter election, a detailed statement of the amount estimated by them to be necessary to be expended by said board, for each of the following purposes for the current year :

1. To defray the expenses of teacher's wages. ^{Teachers wages.}
2. To procure fuel and defray the necessary expenses ^{Fuel and necessary expenses.} of keeping the school-houses in order, exclusive of repairs.
3. To defray the expenses of janitor's service. ^{Janitors.}
- 4.* To defray the expenses of the several school ^{School libraries.} libraries.
5. To defray the expenses of temporary repairs, up- ^{Temporary repairs.} on school-houses.
6. To defray the contingent expenses of the board, ^{Contingent expenses.} including the purchase of books, apparatus and supplies.
7. The amount of moneys on hand and the amount ^{Moneys, other than from city taxes.} receivable during such year by said board for school purposes, other than from city taxes.

§ 177. Upon the reception of the report, in the last ^{Council shall consider report.} section required to be made, the common council shall proceed to consider the same and approve, increase or diminish any or all of said estimates ; but they shall

*As amended by chap. 531 of the Laws of 1893.

Council to
certify
amount
appropriated.

not diminish the aggregate amount so that the sum to be raised by the city shall be less than twice, nor increase the same so that the said sum shall be more than five times the amount received during the current year from the State for school purposes. After having fixed the amount to be expended for each and all of the purposes mentioned in the last preceding section the same shall be certified to the board of education, who shall, during such fiscal year, limit the expenses for such purposes so that the sums shall not exceed such appropriation, and not lessen the length of time that public schools are required to be kept open by the general statutes of this State. In case a greater sum shall be expended for any purpose than the appropriation, the city shall not be liable for the same, but the members of the board of education voting therefor, or either of them, shall be personally liable therefor to the party entitled to payment.

Personal
liability of
members.

Powers and
duties.

§ 178. The board of education shall have power, and it shall be their duty, subject to the provisions of this act :

Safe keeping
of properties,
&c.

1.* To have the care and custody, provide for the safe keeping of school-houses, their out-houses, books, furniture and appendages in said city.

Employ
teachers.

2. To contract with, license and employ all teachers of the several public schools therein.

Purchase
sites, &c.

3. To contract for purchasing sites and for building,

*As amended by chap. 531 of the Laws of 1893.

enlarging and furnishing all school-houses authorized by the common council, and to superintend the same.

4. To contract for the temporary repairing of all school-houses and for all repairs and improvements around the same. Temporary repairs.

5. To audit accounts and order the payment of the same if contracted by them, for either of the purposes stated in section one hundred and seventy-six of this title. Payment of accounts.

6.* To make all selections of books for school purposes and for the several school libraries in said city. Selection of books.

7. To divide the city into school districts in such manner as they shall deem proper, and regulate and define the boundaries and the number of teachers for the same. Regulate school districts, and number of teachers.

8. To supply the places and perform the duties of commissioners of common schools, and in respect to the several school districts in the city, to supply the place and perform the several duties required to be performed by trustees of the several school districts in this State by the general statutes relating to common schools. Perform duties of trustees under general statutes.

§ 179. At such time as the superintendent of public instruction shall direct returns to be made to him in each year, said board shall make and transmit to him a report in writing, containing an account and description of all the common schools kept in said city during Returns to the superintendent of public instruction.

*As amended by chap. 531 of the Laws of 1893.

the preceding year and the time they have severally been kept; the number of children taught in said schools respectively; the number of children over the age of five and under the age of twenty-one years residing in said city on the first day of January of that year; the whole amount of school moneys received by the treasurer of said city during the year preceding, distinguishing the amount received from different sources; the manner in which said moneys have been expended, and whether any and what part remains unexpended, and for what cause; the amount of moneys received for tuition fees from foreign pupils during the year, and the amount paid for teacher's wages in addition to the public moneys. They shall also make such other or further reports as may be required by the common council or by any statute of the State now or hereafter applicable to them.

Council may
require
further
reports.

Tax for school
houses, &c.

§ 180. The common council shall have the power and it shall be their duty to raise each year, by tax upon the real and personal estate of the city which shall be liable to taxation for ordinary city taxes, or for county or city charges, in addition to the amount of school moneys now or hereafter appropriated, as provided by law for common schools in the city, such sums as may be determined by the common council to be necessary or proper for any or all of the following purposes:

- 1.* To purchase, lease or improve sites of or for

*As amended by chap. 368 of the Laws of 1887 and chap. 626 of the Laws of 1892.

school-houses and to build, purchase, lease, enlarge, alter, improve or repair school-houses and their out-houses and appurtenances; but the amount raised in any one year for buying sites and erecting school-houses and appurtenances shall not exceed fifty thousand dollars.

2. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted, shall not be deemed to authorize the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same, except in and for the primary departments.

3.* To procure fuel and defray the expenses of the common schools, and the expenses of the Central City library and the several school libraries.

4. To pay the wages of teachers due after the application of the public money, which may by law be appropriated and provided for that purpose.

§ 181. The common council shall cause the amount of the tax at any time ordered to be raised, in pursuance of this act, to be added to the amount which is otherwise authorized by law to be raised by tax in said city, and the common council shall cause the same, with the fees thereon, to be assessed, levied and collected at the same time, and by proper warrant, and in the same manner and as a part of the taxes raised annually for city purposes.

*As amended by chap. 531 of the Laws of 1893.

School
moneys, how
deposited.

How
disbursed.

To be kept
separate.

Not to be
borrowed.

School
Commissioner
district.

§ 182. All moneys required to be raised by virtue of this act, which the board of education is authorized to expend, on being raised as therein provided, with all other moneys received from any source for school purposes, shall be deposited for the safe-keeping thereof with the treasurer of the city to the credit of the school funds, and shall be drawn out in pursuance of resolution or resolutions of said board, by warrants drawn by the clerk of the board, and countersigned by the president thereof, payable to the order of the person or persons entitled to receive such moneys; and the treasurer shall keep the school funds authorized by this act to be received by him separate and distinct from any other funds which he is or may by law be authorized to receive; nor shall any of the moneys belonging to the school funds be paid out by the treasurer except upon such warrant; nor shall any part of said school funds be borrowed from said funds directly or indirectly by the city, or in any manner transferred to any city fund; but the same shall remain in the treasury, to be drawn therefrom only for school purposes and in the manner herein provided.

§ 183. The city of Syracuse shall be taken and deemed a town for all purposes of making returns in respect to common schools, and for receiving moneys for school and library purposes from the State or other sources; and by virtue of this act, it is hereby declared to be a school commissioner district.

TITLE XII.

FIRE COMMISSIONERS AND FIRE DEPARTMENT.

§ 184. The fire department of the city of Syracuse shall be a paid department, under the general supervision and control of four commissioners, appointed as hereinafter provided.

§ 185. The common council of said city shall have full and complete jurisdiction over all the property connected with and appertaining to the fire department, now owned or hereafter owned or purchased by said city, consisting of engine-houses, fire engines, harness, horses, hose, hose carriages, trucks, wagons, hooks and ladders, fire alarm telegraph, and all other apparatus used for the discovery or extinguishment of fires; and all purchases, sales or expenses connected with the extension or enlargement of the real property, structures and apparatus of said department shall be under the direction and control of said common council, except as hereinafter provided.

§ 186. The fire commissioners now in office shall continue to hold their offices to the end of the term for which they were severally appointed, and the mayor of said city shall have authority and he is hereby required upon the expiration of the terms of office of any of the present commissioners of the said department to appoint a citizen of said city, of good repute, a commissioner for said department for the term of four years,

Paid fire department.

Common council has jurisdiction over all property.

Board of fire commissioners, how constituted.

Term of office.

Authority of
mayor.

who shall belong to the same political party as the commissioner whom he is appointed to succeed; and thereafter the said mayor shall have like authority and it shall be his duty to appoint a like citizen, a commissioner for a like term, upon the expiration of the term of any commissioner hereafter appointed.

Vacancies,
how filled.

§ 187. If any vacancy in the office of commissioner occurs other than by expiration of the term of office it shall be the duty of said mayor to appoint a like citizen, a commissioner, to serve until the expiration of the term of the commissioner whose place he is appointed

Board shall be
non-partisan.

to fill, and of the same political faith as such preceding commissioner, so that such board of commissioners shall remain and be non-partisan. The said commis-

Removal from
office for
cause.

sioners shall serve without compensation. The mayor of said city is hereby also authorized to remove from office any commissioner of said department for any cause deemed sufficient to himself; but he shall forthwith make and transmit to the common council of said city, to be entered upon their minutes, a statement in writing, signed by himself as such mayor, of his reasons for such removal.

Powers and
duties of
board.

§ 188. Said commissioners shall constitute a board of fire commissioners, who shall have power to appoint a clerk and to make all needful rules and regulations for the government of the fire department and its officers and members. The board shall have authority to locate engine-houses, hose carts, hook and ladder carriages and all other apparatus belonging to the fire department,

To appoint
clerk, adopt
rules, etc.

and to change such location whenever, in their judgment, public necessity requires such changes.

§ 189.* The board shall also have jurisdiction over all current and contingent expenditures, including salaries of officers and members, and no purchase under this authority shall be made, or debts contracted without special direction and authority of the board of commissioners, and all accounts shall be audited by said board ; and all salaries of officers and members of the fire department, and all current and contingent expenses shall be paid by the treasurer of the city on a warrant of the board ; all warrants of said board must be authorized by a vote of the board and signed by the president and clerk thereof.

Jurisdiction of board over expenditures.

Salaries, &c., how paid.

Warrants to be signed by the president and clerk.

§ 190. The fire department of said city shall consist of one chief engineer and first and second assistant engineer ; one superintendent of fire alarm telegraph, together with such foremen, drivers, hosemen, pipemen and helpers as may be necessary for the proper and efficient management of the engines and other apparatus of the department, provided that the whole number of men connected with each engine shall not exceed ten, and provided also that the whole number of men connected with each hook and ladder carriage shall not exceed ten.

Officers of fire department.

Number of men limited.

§ 191. The chief engineer and assistant engineer and superintendent of the fire alarm telegraph, as well as all other firemen employed in the fire department, shall be

Chief engineer and employees to be elected by board.

*As amended by chap. 531 of Laws of 1893.

Term of office. elected by a majority vote of the board of fire commissioners, and hold their office during the pleasure of said commissioners, expressed by a majority vote.

Chief engineer may suspend subordinates.

§ 192. For any neglect of duty or violation of the rules and regulations of the department, the chief engineer shall suspend from duty any subordinate until the same can be reported to the board of fire commissioners, with the cause and facts on which such suspension is ordered.

All salaries fixed by the board subject to approval of council.

§ 193. The salaries of the clerk, chief engineer, assistant engineers, and superintendent of the fire alarm telegraph, and all other persons employed by the department, shall be fixed by the board of fire commissioners, subject to approval by a majority vote of the common council, and such salaries shall be considered a full and complete compensation for their services ; and members of this department, either as companies or individuals, are forbidden to solicit money from citizens for balls, assemblies or other purposes, or to receive donations from persons whose property has been destroyed or endangered by fire.

Members must not solicit money, or receive donations.

Political rights of members of the department

§ 194. The right of every member of the fire department to entertain political or partisan opinions, and to express the same freely, when such expression shall not concern the immediate discharge of his duties as a member of said department, and the right of elective franchise shall be inviolate ; but no member of the fire department will be permitted to be a delegate or representative to, or member of any political or parti-

Must not take part in any political convention.

san caucus or convention, whose purpose is the nomination of any candidate or candidates to any political office. He shall not take part in any convention held for the nomination of any candidate for any such office.

§ 195. The chief engineers and assistant engineers associated with such members of the board of commissioners as are present at fires shall take and have the control and management of all officers, men and property, measures and actions for the prevention and extinguishment of fires within the limits of the city of Syracuse, and may call upon the chief of police or any member of the police force, to assist in the enforcement of all orders for the government of the department or the protection of property, or the preservation of order.

Chief and assistant engineers and commissioners have control of fires.
May call upon police & department for assistance.

§ 196. The engines or apparatus of the fire department shall not be used for competitive trial, nor shall the same be allowed to be taken beyond the boundaries of the city of Syracuse unless by permission of the chief engineer and mayor, and at least one member of the board of fire commissioners.

Apparatus not to be used for competitive trials.
Must not go out of city limits unless--

§ 197. The engines, hose carriages, officers, men and apparatus of the fire department shall have the right of way while going to and at any fire, and any person willfully obstructing the firemen in the performance of their duty shall be deemed guilty of a misdemeanor and be liable to punishment for such offense.

Engines, etc., to have right of way.

§ 198. The chief engineer shall make a monthly report in writing to the fire commissioners, showing the

Chief engineer to report monthly.

actual condition of the property of the department under his charge, together with the list of fires, alarms, losses and insurance on all property destroyed during the month, and a particular statement of the causes of such fires, so far as known, and such other information as he may deem important to the public interest, which report shall be forthwith communicated to the common council.

Report to be
communicated
to common
coun

Fire marshal
appointment,
etc., of.

§ 199.* The mayor shall appoint a fire marshal who shall hold his office for the period of four years. He shall be a citizen of the city of Syracuse, practically qualified for the office, and not less than thirty-five years of age. He may be removed for cause upon charges duly furnished in writing by the mayor. The salary of the fire marshal shall be eighteen hundred dollars per annum, to be paid monthly out of the contingent fund. He shall keep his office in the city hall building, and his office hours shall be from nine to ten o'clock in the forenoon, and from four to five o'clock in the afternoon. It shall be the duty of the fire marshal to receive and act on all applications for permission to erect buildings and structures, or to make repairs or changes in existing buildings and structures within the limits of Syracuse, and to grant or withhold such permission. Sufficient plans and specifications for all buildings and structures hereafter to be erected within the limits of the city shall be submitted to him for his inspection and approval, but no such approval

Building
permits.

Approval of
plans, etc.

*As amended by chap. 288 of the Laws of 1891 and chap. 531 of Laws of 1893.

shall be given, unless the plans and specifications for such buildings or structures shall conform to the building laws of said city. It shall be his duty, and he is hereby empowered to enter in any and all premises within the city for the purpose of determining whether such work is being done according to the building laws of said city, and in such manner as to insure the safety of such building or structure and surrounding property.

Entry upon
premises.

In case such building or structure, or the alterations or repairs thereto, are not being done according to the building laws, nor in conformity to his directions, he shall have power, and he is hereby authorized and empowered to require such change and alterations to be made, as shall conform to said laws and his instructions. He shall have power, and it is his duty, and he is hereby directed to enter on any and all business premises within the limits of the city, to ascertain whether proper precautions are taken and observed and maintained against fire, and his duty shall be to make such examinations at least once in every three months, and oftener if in his judgment it is necessary, and at any time at the request of the mayor, the chief engineer of the fire department, or the secretary of the board of underwriters, giving the location. He shall have authority to order such things to be done as are necessary in his judgment to insure immunity from fire, and it shall be the duty of the owner or owners, tenant or tenants of said premises, and each and all of them to obey his orders in that regard after notice of the same shall have been given them in accordance with the provisions of this act; and any refusal or neglect to comply with

Powers as to
changes and
alterations of
buildings.

Examination
of premises as
to safety
against fire.

said orders, after such notice as aforesaid, shall subject the person so refusing, or neglecting, to the penalties prescribed in sub-division twenty-four of section two hundred and two of said act as amended by said chapter two hundred and eighty-eight of the laws of eighteen hundred and ninety-one. Whenever a fire occurs in the city of Syracuse he shall be present, if practicable, and shall co-operate with the fire department in their efforts to stay the conflagration; he shall have authority to enter on the premises, or any adjoining premises and make such observations and examinations as he may deem for the public interest and protection. And when in his judgment anything is required to be done on or about said premises for the protection and safety of the public, he shall have power, and it shall be his duty to notify the owners, agents or other party having an interest in said premises to do those things, so in his judgment necessary to be done; and it shall be the duty of said owner or owners, and they are hereby required to comply with his directions in that regard, and for the failure of said owner or owners to comply with such directions, after notice as aforesaid, they and each of them shall be subject to the penalties prescribed in subdivision twenty-four of section two hundred and two of said act, as amended by chapter two hundred and eighty-eight of the laws of eighteen hundred and ninety-one, and the fire marshal shall have authority to cause the things so directed by him to be done, to be done at the expense of said owner or owners; and if in his opinion the walls of the building on said premises, or any adjoining building are dangerous and unsafe by

Duty at fires.

Protection and safety of public, powers as to.

Notice to owners of premises.

Penalty for failure to comply with directions.

May cause things done.

Powers as to unsafe walls and buildings.

reason of said fire, or any other cause, or anything is required to be done in or about said premises or buildings for the protection and safety of the occupants or the public, he shall have the power, and it shall be his duty to cause said walls or buildings to be rendered safe or torn down and removed, and such other things to be done in or about said premises or buildings, as shall in his opinion be necessary for the safety or protection of the public; and to that end he shall at once serve on the owner, agent or other party in interest in said building or premises, a notice in writing specifying the walls or buildings required by him to be rendered safe or taken down and removed, and such other things as shall be required by him to be done, and such owner, agent or other person interested shall forthwith comply with the requirements of said notice, and if such owner, agent or person interested shall fail or neglect so to do for the period of twenty-four hours after the service on him or them of said notice they, and each of them, shall be subject to the penalties prescribed in subdivision twenty-four of section two hundred and two of said act, as amended by chapter two hundred and eighty-eight of the laws of eighteen hundred and ninety-one. And said fire marshal may employ labor, procure materials and take such other steps as may be necessary to carry out the requirements of said notice at the expense of such owner or person interested.

Notice to
owners, etc.

Penalty for
failure to
comply with
requirements.

Employment
of labor, etc.,
to carry out
requirements.

§ 200.* It shall be the duty of the fire marshal in

Must inquire
into origin of
fires.

*As amended by chap. 288 of Laws of 1891.

every case to inquire into the origin of any fire, and in case he believes it to be of incendiary origin he shall proceed to investigate the same in the manner prescribed by the statutes of this state for investigating the cause of fire, and he shall possess all the powers and perform all the duties as provided in said statute.

Penalty for hindrance or obstruction.

Every person who shall hinder, obstruct, or resist the building inspector and fire marshal in the discharge of his duty as imposed by these ordinances shall pay a penalty of not less than fifty dollars nor more than two hundred dollars, to be collected by the corporation

To keep books of record.

counsel for each and every offense. The fire marshal shall keep a record book or books, wherein he shall enter the substance of all orders issued by him, all complaints made to him in matters within his cognizance, and all inspections and examinations made by him. He shall make a minute and thorough report to

Must make quarterly and annual reports to council.

the common council quarterly and a yearly report at the end of each fiscal year of his office. All complaints for violations of the provisions of the ordinances in regard to the building laws, or the violation of the ordinances regarding the duty of the fire marshal shall be referred to the corporation counsel.

Complaints referred to corporation counsel.

Fire alarm telegraph.

§ 201. The fire alarm telegraph of the city of Syracuse shall also be under the control and direction of the board of fire commissioners, and they may, in conjunction with the superintendent of the telegraph, make such resolutions for the government and management of that department as in their judgment is con-

ducive to the public interest, and will make it an efficient and valuable auxiliary to the fire department.

§ 202.* The city of Syracuse is divided into two ^{Building districts.} building districts, first and second district.

1. The first building district shall be all that part of ^{First district} said city lying within the following lines, namely: Beginning at the intersection of the foot of West Adams street and Onondaga creek, along West Adams and East Adams to Montgomery street, along Montgomery street to Cedar street, along Cedar to Mulberry street, along Mulberry street to Lock street, along Lock street to Laurel street, thence northeasterly along Union street to Butternut street, thence northeasterly along Butternut street to Townsend street, thence northeasterly along Townsend to Isabella street, thence southwesterly along Isabella street to Lock street, thence southeasterly along Lock street to Salt street, thence southerly along Salt street to Laurel street, thence southwesterly along Laurel street and its south line projected to Onondaga creek, thence westerly along Genesee street to West street, thence southerly along West street to Tracy street, thence southwesterly along Tracy street to a point opposite the center of Wyoming street, thence southerly to and along Wyoming street to Otisco street, thence easterly along Otisco street to West street, thence northerly along West street to Jefferson street, thence easterly along Jefferson street to the Onondaga creek, thence southerly along said creek to West Adams street, the place of beginning.

*As amended by chap 288 of the Laws of 1891.

district. 2. The second building district is all that portion of the city not comprised in the first building district.

3. In the construction of this act, if not inconsistent with the context, the following terms shall have their respective meanings herein assigned to them, namely :

External wall. "External wall " shall apply to every outer wall or vertical inclosure of a building, other than a party wall.

Party wall. "Party wall " shall apply to every wall used, or built, intended as a separation of any building, from any other

Foundation wall. building, to be occupied by any other persons. "Foundation wall" shall mean that portion of external walls below the level of the street curb, and for walls not on any street, that portion of the wall below the level of the

Partition wall ground outside of the wall. "Partition wall" shall mean any interior wall of masonry in a building. A "tene-

Tenement house. ment-house" shall mean and include every house, building or portion thereof, which is intended to be

occupied or is occupied as the residence of more than three families living independently of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water closets or privies, or some of them. A

Lodging house. "lodging-house" shall mean and include any house or building, or portion thereof, in which persons are lodged for hire for a single night, or for less than a week at one time.

Alterations and additions. 4. Any alteration in or addition to a building already erected or hereafter to be built, except necessary repairs not affecting the construction of the external or

party walls, chimneys or stairways, shall, to the extent of such work, be subject to the regulations of this act. No building already erected or hereafter built, shall be raised or built upon in such manner that were such building wholly built or constructed after the passage of this act, it would be in violation of any provision thereof.

5. Every person intending to build or make any alteration in the external walls or structure shall, before he proceeds to build the same, or lay the foundation thereof, or to make the said alteration, give notice in writing of such intention and of the proposed location to the fire marshal at least ten days before doing any act for carrying such intention into execution.

6. Any excavation upon a lot, adjoining a street, shall be properly guarded and protected by the person having charge of such excavation, so as not to become dangerous to public travel. Whenever any excavation shall be commenced upon a lot of land, and there shall be a party or other wall standing upon or near the boundary line of said lot, if the person whose duty it shall be to preserve and protect said wall from injury, shall neglect or fail to do so, for twenty-four hours after notice in writing from the inspector of buildings and fire marshal left at the usual residence or place of business of such person, said inspector may enter upon the premises, and employ such labor, obtain such materials, and take such other steps as may be necessary to make the same safe and to prevent the same from becoming unsafe, at the expense of the person owning said wall

All building subject to provisions of this act.

Ten days notice of building, &c., must be given fire marshal.

Excavations must be guarded.

Excavation near party wall.

Notice of—

May make safe a party wall.

Expense of, how paid.

or building; and such inspector shall draw upon the contingent fund, to be paid by the city treasurer, for such necessary amount, and file with him the proper vouchers thereof and such amount shall be levied and assessed upon the property involved and shall be collected in the same manner and at the same time as other city taxes.

Inclosure of
sites.

7. Whenever any person shall be about to erect or alter the exterior walls of a building, within five feet of the line of a traveled street, said person shall cause the portion of the site of said building bordering upon said street, to be inclosed by a proper fence not less than four feet high, and at least seven feet from the line of said building, and if such fence shall prevent passage on the sidewalk, shall lay and maintain a plank walk around the same not less than thirty inches wide, and said fence shall be made as much higher and the walk as much wider as the inspector of buildings and fire marshal shall direct, and the same shall be maintained until all liability to accident from falling materials shall be terminated.

Shall
construct
sidewalks
around--

Scaffolding in
streets.

No person shall erect, or continue when erected, any scaffolding in any highway, for the purpose of repairing or erecting a building without first obtaining permission from the inspector of buildings and fire marshal, and all such scaffolding shall be so erected and secured as to be safe and sufficient for the purpose for which it was erected. In erecting any building, no person shall place, deposit, or suffer to remain in any street or highway, any lumber or any other building material, rubbish, or remains of any old

Material, &c.,
in streets.

building, for a longer period than may be necessary for the prosecution of the work which may be going on.

All rubbish from the erecting or repairing of any building, or the removal of an old building, shall be carried away by the person so erecting or repairing such building at such time as the inspector of buildings and fire marshal may direct, and in case of neglect or refusal to do so, it shall be removed by the inspector of buildings and fire marshal at the expense of the person so erecting or repairing such building. Any person violating any provision of this section shall pay a fine of five dollars.

Rubbish to be removed as directed by fire marshal.

Penalty for violation of—

8. Every permanent building shall have foundations not less than four feet below the surface exposed to frost, resting upon the solid ground or upon concrete, piles or other solid substructure. The thickness of every wall, as hereinafter prescribed, shall be the minimum thickness as applied to solid walls. The height of every external or party wall, as referred to in this act, or in any act in amendment thereof, shall be measured from the level of the finish grade to its highest point.

Depth of foundations.

Thickness of walls.

Height of walls.

9. For dwelling houses with walls not exceeding thirty-five feet in height, foundation walls laid with stone in cement mortar, shall be not less than sixteen inches thick, and external and party walls of brick shall be not less than twelve inches thick for the entire height. For dwelling-houses with walls exceeding thirty-five and not exceeding fifty-five feet in height, foundation walls laid with stone in cement mortar,

Walls of dwelling houses.

shall be not less than twenty-one inches thick, and laid in cement. External brick walls shall not be less than sixteen inches thick to the second floor, and twelve inches above, and brick party walls not less than twelve inches thick to the top of the upper floor, and not less than eight inches thick for the remaining height. For dwelling-houses with walls exceeding fifty-five feet in height, foundation walls laid with stone in cement mortar, shall not be less than twenty four inches thick. External brick walls shall not be less than sixteen inches thick to the top of the second floor, and twelve inches above, and brick party walls not less than twelve inches thick to the top of the upper floor, and not less than eight inches thick for the remaining height. Dwellings with walls not more than twenty-five feet in height may be built eight inches thick.

Walls of
buildings
other than
dwelling
houses.

10. Buildings other than dwelling-houses shall have walls of the following thickness: For buildings in which the walls do not exceed fifty feet in height, foundation walls shall be laid of stone in cement mortar, not less than twenty-four inches thick. External walls shall not be less than sixteen inches thick to the top of the first story, and not less than twelve inches thick for the remaining height. For buildings in which the walls exceed fifty feet in height, foundation walls shall be laid of stone in cement mortar, not less than twenty-eight inches thick. For buildings, exceeding fifty feet and not exceeding seventy feet in height, the external walls shall not be less than twenty inches thick to the top of the first story, not less than

sixteen inches thick to the top of the second story, and not less than twelve inches thick for the remaining height. For buildings exceeding seventy feet in height, the external walls of the two lower stories shall not be less than twenty-four inches, the next story above not less than twenty inches, thence not less than sixteen inches to the top of the fifth story, and not less than twelve inches for the remaining height. Party walls in such buildings shall not be less than twenty inches thick to the top of the second floor above the street, and not less than sixteen inches thick to the under side of the roof boards, and not less than twelve inches thick for the remaining height. In all build-
Increase or
diminution of
thickness in
certain cases.
ings over twenty-five feet in width, not having either brick partition walls, or girders supported by columns running lengthwise of the building, the external walls shall be increased four inches in thickness for every additional twenty-five feet in width of said building. The amount of materials above specified for external walls may be used either in piers or buttresses, provided the external walls between said piers or buttresses shall be in no case less than twelve inches thick. If adjoining owners, instead of a party wall, shall each at the same time erect a wall on his own land, such walls may be twelve inches each in thickness, to such height as they shall be contiguous. When the floor joists of any building rest on brick corbeling, or on iron bearers, and are not built into the wall, the walls may be four inches thinner than required above, provided that such corbeling be not less than six courses in height, and be well bonded into the wall, and that

- External walls of stables and workshops. no such wall be less than twelve inches thick. The external walls of stables, or workshops for light work shall be at least twelve inches thick, provided that no such building shall be over thirty feet high, nor cover more than three thousand square feet, and that said
- Hollow walls. walls be not less than twelve inches thick. Hollow walls may be built, but all such walls shall be tied together with incombustible anchors placed not more than three feet apart. If used as bearing walls, the thickness shall be reckoned by their solid parts, unless either part is at least eight inches thick and solid vertical connections are made not less than twelve inches wide nor more than eight feet apart from centers, in which case two-thirds of the hollow space shall be counted with the solid parts. In no case shall the ends of joists or other woodwork be allowed to come within
- Hall partitions in tenement houses. four inches of the hollow space. In any building hereafter to be erected, to be occupied as a tenement or lodging-house, in which the lower part is to be used for business or manufacturing purposes, or which is intended to be occupied by more than four families, the hall partitions from the cellar to the second floor shall
- Wooden supports and use of timber. be built of non-conducting incombustible material. No rear, front, division or party wall of brick or stone shall be built upon or supported by any wooden girders, rafters or lintels, or other wooden supports, but upon iron, brick or stone of sufficient strength. No timber shall be used in any wall or building, except
- Anchors. arched forms for interior arched openings. The side end and party walls shall be anchored at each tier of beams, at intervals of not more than ten feet apart,

with good, strong wrought-iron anchors, and fastened to the beams. Party walls shall be coped with non-combustible material securely fastened, or with wood if covered with tin or other metal; and where there is a flat, hip or pitch roof, shall be carried up to a height of not less than two feet above the roof covering, at every part of said roof; and where the roof is of any style excepting as above specified, unless the same is constructed of fireproof materials throughout, the party walls shall be carried up to a height of not less than two feet above the flat or upper slope of said roof. The ends of party walls shall be corbeled out at least twelve inches, or to the outer edge of all cornices or projections on the front or rear walls, provided, that if a gutter-stone of suitable dimensions and properly balanced shall be inserted it shall be equivalent to corbeling, and no continuous vertical recess of more than four inches in depth shall be made in any twelve-inch party wall, and no recess of any kind shall be made in an eight-inch party wall.

Party walls,
coping of, etc.

Ends thereof
to be corbeled.

Recess therein

11. Insolated brick piers shall be built of good, hard, well-burnt brick and under all lintels, girders, iron and other columns, shall have a stone template, a cap stone at least eight inches thick, the full size of the pier. Columns supported by brick walls or piers shall rest upon an iron plate at least one inch thick, or upon a cap stone, at least eight inches thick, of a size satisfactory to the fire marshal. Under iron columns shall in all cases be an iron plate of not less than one inch in thickness. Every brick pier shall have one or more

Brick piers
and columns.

binders built therein of stone, not less than seven inches thick ; these binders shall be full size of the pier. The distance between any two binders or between either of them and the capstone or base of the pier shall not exceed four feet.

Floor beams
and rafters.

12. Floor beams shall have a bearing of at least four inches at each end. Every trimmer or header more than four feet long used in any building except a dwelling, shall be hung of stirrup irons, of suitable thickness for the weight to be supported. The butts or ends of all floor beams and rafters entering a brick wall shall be cut on a splay of three inches in their width. All main partitions supporting in any manner the floor beams or rafters shall be placed directly over each other, and shall rest on a wall, girder or hardwood capping, and shall head and foot against each other as far as practicable. Roof or floor timbers entering the same party wall from opposite sides, shall have at least four inches solid brickwork between the ends of said timber. Under the ends of iron girders resting in walls, a stone template shall be built into the wall not less in width than four inches less than the thickness of said walls, and not in any case less than four inches in thickness, and eighteen inches long. Iron wall plates may be used in place of such templates, not less than one inch in thickness.

Templates
under iron
girders.

Flat roofs and
floors, how
constructed.

13. Flat roofs shall be constructed to bear a safe weight, exclusive of materials, of not less than fifty pounds per superficial foot. Floors (except attic floors) shall be constructed to bear a safe weight, per superficial

foot, exclusive of materials, as follows: For dwelling-houses, tenement-houses, apartment-houses, hotels, boarding-houses and stables, not less than seventy pounds; ordinary school-room and rooms for light mechanical purposes, not less than one hundred pounds; theatres, public halls, churches and all rooms liable to be crowded with people, not less than one hundred and twenty-five pounds; stores, factories, mills and business buildings, not less than one hundred and fifty pounds; storehouses, warehouses, machine shops, armories and drill-rooms, not less than two hundred and fifty pounds. No floor shall be loaded with a greater weight than that above assigned to its class, unless it shall have been previously examined by a competent architect, civil engineer, or master builder not interested in the construction of the building, who shall give a certificate of the weight per square foot such floor can safely sustain, a copy of which certificate shall be posted in a conspicuous place above or adjacent to such floor, and the weight therein named shall in no case be exceeded. No person shall load any floor to a greater degree than the above named, or shall remove any certificate posted as above.

14. No roof within the first building district shall be built more than twenty feet in height from the top of street wall, nor so as to make the total height of the building over fifty-five feet, except it be constructed of non-combustible material, unless its pitch is at a less angle with the horizon than ten degrees; and all the exterior parts of any building hereafter erected, which

Roofs in first district.

Cornices. are more than forty feet above the level of the finished grade, shall be made of or covered with non-combustible material. Incombustible cornices shall be well secured to the walls; and in all cases the walls shall be carried up to the planking of the roof behind the cornice, and where the cornice projects above the roof the wall shall be carried up to the top of the cornice, and all exterior wooden cornices, on brick, stone or iron buildings that shall hereafter require to be replaced, shall be constructed of some non-combustible material, as required for new buildings; and every exterior wooden cornice or gutter on brick, stone or iron buildings that may hereafter be damaged by fire to a greater extent than one-half of the whole thereof shall be taken down, and if replaced shall be constructed in accordance with the provisions of this act.

Roof projections. Structures or projections above or outside of the roof of buildings over sixty feet high shall be made, constructed, framed and covered with incombustible material.

Scuttles and ladders. Buildings shall have scuttles not less in size than two by three feet, or bulkheads and doors on the roof, and shall have stationary ladders or stairs leading to the same, and such scuttles and ladders shall be kept so as to be ready for use at all times.

Skylights. The skylights of all brick or stone buildings shall have the frames and sash made of or covered with metal; and shall be glazed with glass not less than one-quarter of an inch thick.

Chimneys and flues. 15. Chimneys shall be built of well-burned brick, stone or iron. Brick flues shall have joints filled and struck. Iron pipe if used must be inclosed in a brick

flue, or in an outer pipe of non-combustible material, with a space between of not less than one inch, and all joints in such pipes must be thoroughly filled with fire clay or incombustible cement; brick chimneys must have outer brick walls at least four inches thick. Outside walls of flues not over one hundred inches in area for ranges, furnaces, boilers and ovens, shall be of at least six inches, if of greater area, of at least eight inches thickness of brickwork. Brick flues, not starting from the foundation walls, shall be securely built into the brickwork of the walls to which they are hung. In no case shall chimneys rest upon any flooring. The brickwork of an isolated chimney shall not be carried over more than three-quarters of an inch to each course of brick, not* so far as to throw the center of gravity of said chimney outside of the base thereof. Flues shall be topped out at least three feet above the roof. Hearths of fire-places or grates shall be laid upon incombustible supports. Hearths, fire-places, etc. Wooden centering, supporting a trimmer arch, shall be removed before plastering underneath. Brickwork back of all grates, fire-places and ranges shall be not less than eight-inches thick; and when it adjoins a wooden or stud partition, shall have at least two four-inch walls with at least a two-inch air space between. No floor timber shall be secured to the brickwork of any flue. Smokepipes in buildings having combustible floors or ceilings, shall enter flues at least twelve inches from floors or ceilings; and where they pass through stud or wooden partitions, whether plastered or not, shall be guarded by a double collar of metal, with at Smoke pipes.

*So in the original.

least a four-inch air space and holes for ventilation, or by a soapstone ring at least four-inches in thickness, extending through the partition; metal funnels carried through furring or studding, shall be filled around with brick or stone, for at least six inches out from the pipe. The smoke-pipe of any hot air, steam, hot water or other furnace, passing beneath wooden beams or ceilings, the woodwork shall be protected by a suitable tin shield. Tops of furnaces set in brick shall be covered with brick so as to be perfectly tight, and the tops of portable furnaces shall be at least one foot below any wooden beams or ceilings. Registers connected with hot air furnaces shall be set in non-conducting incombustible borders at least two inches wide. Register boxes shall be made of tin plate with a flange on the top to fit a groove in the border. There shall also be an open space of not less than one inch on all sides of the register box (extending in floor registers from the underside of the ceiling, below the register, to the border in the floor) the outside of said space to be covered with a casing of tin plate, made tight on all sides, to extend to and turn under the said border. Registers of fifteen by twenty-five inches or more, shall have a space of not less than two inches. All woodwork near all tin or other metal flue or pipe used or to be used to convey heated air, shall be protected by a soapstone or earthen ring or tube, or a metal casing so constructed as to permit free circulation of air around said pipe or flue. Stoves shall be placed at least twenty inches and smoke-pipes at least twelve inches from any

Furnaces and
Registers.

Wood work.
protection of.

unprotected woodwork. Woodwork within said distances shall be protected by metal covering, and if within less than one-third of said distances, shall have a double metal covering with ventilating air space between. Open fire-places, heaters, cooking ranges, set-kettles and the like, shall have fire proof foundations, with fire-proof hearth extending not less than sixteen inches from the grate or ashpit. No brick structure to contain fire shall be allowed on a wooden floor in any building. The provisions of this section shall apply to buildings already erected, if found necessary and ordered after examination of the premises, by the fire marshal. No heater shall be used in any room where hay, straw, or highly inflammable materials are kept or stored, unless properly protected; no lights, except gas, shall be used in such room unless contained in a glass globe, lantern or chimney. Steam pipes shall be kept at least one inch from all woodwork, or shall be supported by an incombustible ring or tube, or rest on iron supports. Depositories for ashes in the interior of any building shall be built of incombustible material. If any chimney, flue, or heating apparatus, shall, in the opinion of the fire marshal, be unsafe by reason of endangering the premises by fire or otherwise, the fire marshal shall at once notify in writing the owner, agent or other party having an interest in said premises, who upon receiving said notice, shall make the same safe in pursuance of the terms of said notice.

Foundations
for fire-places,
heaters, etc.

Heaters and
lights, use of,
restricted.

Steam pipes.

Ashes.

Notice to own-
ers of unsafe
chimneys, etc.

Boiler houses
and boiler
rooms.

16.* Boiler-houses and boiler-rooms in woodworking establishments, or where inflammable materials are used, or where shavings or highly inflammable fuel is used, shall be inclosed with brick, stone or concrete

Roofs of floors.

walls, or iron studs, filled with concrete. Roofs or floors over such boiler-rooms shall be made of iron, brick, stone or concrete arches or slabs, or if of wood, shall be protected with fire-proof tile or plastered on iron laths, or wire netting, or covered with metal.

Doors.

The doors to such rooms shall be of iron, or of wood covered with metal, and have an opening in said door glazed with not less than one-quarter inch thick glass, and shall be kept securely shut, except during working

Stationary
boilers.

hours. The floors of rooms containing stationary boilers shall be made of incombustible material for at least ten feet in front, and for such distance on the sides and rear as may be required by the fire marshal. Wooden floors under portable boilers shall have close protection of incombustible material. No woodwork

Woodwork
therein.

shall be placed within one foot of such boiler or smoke pipe, or within six feet of the front, four feet of the sides, top, rear or smoke conductor, unless protected by fire-proof tiles at least one-half inch thick, or by being plastered on iron laths or wire netting, or by metal sheathing with at least one inch air space between the wood and metal; the overheads immediately over hot water or low pressure steam boilers, used exclusively for heating, if within four feet of the top thereof, may be plastered on wooden laths, or sheathed

*As amended by chap. 288 of the Laws of 1891 and chap. 531 of the Laws of 1893.

with metal. Rooms for drying lumber or other inflammable material heated by direct heat from the top of boilers, shall be constructed and roofed and have doors as described for boiler-houses. All cellars, yards and alleys shall be kept clean and free from straw, shavings, litter, rubbish or other combustible material.

Rooms for drying lumber
Combustible materials.

17.* Every building already built or hereafter to be erected in which twenty-five or more persons shall occupy any of the stories above the second story, shall, unless exempted therefrom by the fire marshal, be provided with one or more, as may, in the judgment of the fire marshal be necessary, proper and sufficient, strong and durable metallic fire-escapes or stairways constructed as follows: On the outside of such building, connected with each floor above the first, well fastened and secured, and of sufficient strength, having landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, and connected with the interior by easily accessible and unobstructed openings, and the balconies and landings shall be connected by iron stairs not less than twenty-four inches wide, the steps not to be less than six inch tread, placed at not more than an angle of forty-five degrees slant, and protected by a well secured hand rail on both sides with a twelve inch wide drop ladder from the lower platform reaching to the ground; provided,

Fire escapes.
How constructed.
Must be approved by the fire marshal.

*As amended by chap. 288 of the Laws of 1891, and chap. 531 of the Laws of 1893.

that any other plan or style of fire-escape shall be sufficient if approved by the fire-marshal; but if not so approved the fire marshal may notify the owner or proprietor or lessee of such building, or the agent or superintendent, or either of them, in writing, that any such other plan or style of fire escape is not sufficient, and may, by an order in writing, served in like manner, require one or more fire escapes, as he shall deem necessary and sufficient, to be provided for such building at such location and of such plan and style as may be specified in such written order; and within twenty days after the service of such order, the number of fire escapes required in such order for such building shall be, either of the plan and style and in accordance with the specifications in said order required, or of the plan and style in this subdivision above described. In case said fire-escapes are not provided as above directed within said twenty days after the service of said notice, then the fire marshal may employ labor and procure materials and take such steps as may be necessary for the construction and completion of the same, and complete and construct the same at the expense of the owner or owners of said building. Said fire escape shall be kept in good repair by the owner or owners of such building and in default thereof the same may be repaired by the fire marshal after two days' notice to such owner or owners to repair the same at the expense of such owner or owners and no person shall at any time place any incumbrance upon any of such fire-escapes. Stationary stairs or ladders shall be provided on the inside of each such building from the upper

Construction,
etc., by fire
marshal.

Repairs.

Stairs or
ladders to
roof.

story to the roof as a means of escape in case of fire; and in case of failure to provide the same by the owner or owners after five days' notice by the fire marshal, he shall have authority to provide the same at the expense of such owner or owners.

18. In all buildings hereafter built in which shall be placed any hoistway or elevator, not inclosed by fire-proof partitions and doors, nor placed in the well-hole of the stairs, the opening thereof through and upon each floor shall be provided with and protected by a good and substantial railing, and good and sufficient trap-doors with which to close the same, and such trap-doors shall be kept closed during the night time, except said hoistway or elevator shall then be in actual use. In all buildings hereafter to be built within the first building district which shall be occupied by more than fifty persons and which shall be more than three stories in height in which shall be placed an elevator, such elevator shall be inclosed in fire-proof partitions.

Hoistways
and elevators.

Fire proof
partitions.

19. Factories, mills and buildings, where more than twenty-five operatives are employed, hotels, boarding, tenement lodging and apartment houses, and business buildings less than fifty feet high not hereafter specially mentioned, shall have the partitions adjacent to or inclosing said stairways constructed of incombustible material, or of at least two by four studding plastered on both sides and protected as follows: The space from the top of the lathing or head of the partition below to a line three inches above the top of the base-board or six inches above the top of the floor, if there be no base-

Stairway
partitions in
certain
buildings.

board, and the space adjoining the strings of the stairs from the under side of said strings to a line three inches above the base board thereof, or six inches above the rake of the nosings, if there be no base board, shall be filled in solid with brick or stone set in mortar, concrete grouting, tile or other incombustible filling ; if the stairs are wainscoted there shall be a similar filling three inches above and below the top lines of the wainscoting, and when such buildings are over three stories high, warehouses, storehouses, and business buildings over fifty feet high, such partitions shall be constructed as above described, and shall be further filled solid in a similar manner for the whole height thereof, or be plastered on the sides adjoining the stairway on iron laths or wire netting, or covered with tile or other incombustible non-conducting material. Public halls, churches, school-houses, and places of public assembly, not hereafter excepted, and business buildings shall have stairway partitions constructed as herein described, but unless filled in solid shall be plastered on both sides on iron or wire laths, or be covered with other incombustible non-conducting material. In theater or public halls, fitted for theatrical performances, stairway partitions and inclosures must be substantially incombustible. Stairs occupied by or exits leading from any place of public assembly, shall not have a pitch greater than eight inches rise to twelve inches run, nor discharge at right angles with, or confronting each other, upon or into any common landing or corridor of less than the united width of such exits, nor unless separated by a sufficient railing or partition. No

Public halls,
churches, &c.

Stairs and
exits in places
of public
assembly.

Width of.

doorway or stairway leading from a theater or other place of public assembly, shall be less than five feet wide; and the aggregate width of doorways and stairways, from galleries or interior compartments of such buildings, shall be in the proportion of at least eighteen inches to each one hundred persons at any time contained therein. Exterior openings or stairways shall have the same proportionate width to the whole number contained in the building. All exit doors from theaters or other places of public assembly shall open outward. Buildings over two stories high, where combustible articles or materials are manufactured, wherein over two hundred operatives are employed, must have at least two egress stairways to be, if practicable, at least fifty feet apart, and if that distance is not practicable shall have stairways at each end.

Exit doors
shall open
outward.

20. Every building or hall which is or shall be fitted up for theatrical or other performances, requiring the use of inflammable materials, stage, and so forth, shall be provided with not less than two stand-pipes at least two and one half inches in diameter, located in such positions as the fire marshal shall approve, to each of which shall be attached one or more lengths of hose or sprinkling pipes, so as to reach every part of such stage and audience room and the connections therewith. And whenever said stage or hall shall be in use, such stand-pipes shall have the water turned on and a suitable person stationed at the hose ready for service. Every building which may hereafter be built for the purpose herein set forth, shall have the stair-

Stand pipes in
halls theaters,
&c.

Staircases
inclosed with
fire proof
walls.

Wall
seperating
stage from
audience
room.

Overheads
beneath floors
and
auditorium.

Churches
exempt.

Tenement and
lodging
houses.

cases connecting with all floors and galleries inclosed with fire-proof walls or partitions; and the staircase from the stage shall be accessible from every level of its appurtenances. The wall separating the stage from the audience room shall also be of fire-proof material from the level of the ground to the roof, and all openings in such wall shall be closed with incombustible shutters or doors or curtains which shall be lowered at the close of each performance. The over-heads immediately beneath the floors of the auditorium, stairways or corridors of public assembly to be hereafter built, shall be plastered on iron laths, or wire netting, or protected by incombustible material, unless such floor be within three feet of the ground and the space thereunder be inclosed by incombustible walls, and kept clear of combustible material or heating apparatus. The auditoriums of churches shall be exempt from these requirements, provided the premises thereunder be used for church purposes only, and the heating apparatus be inclosed in a room properly guarded against taking fire.

21.* Tenement and lodging houses shall conform to all the requirements for dwelling houses hereinbefore contained. Every tenement or lodging house shall have proper means of escape in case of fire, and if more than two stories in height, shall be protected with one or more proper and sufficient, strong and durable fire-escapes constructed as required in this act as may in

*As amended by chap. 288 of Laws of 1891, and chap. 531 of the Laws of 1893.

the judgment of the fire marshal be necessary. No tenement house or lodging house, or any portion thereof, shall be used as a place of storage for any combustible articles, or any articles dangerous to life. No building hereafter erected or portion thereof shall be leased, rented or occupied as a lodging or tenement house, unless it shall conform in its construction and appurtenances to the requirements for dwelling houses hereinbefore contained, and shall not be over two stories high, or two thousand square feet area, unless its exterior walls are brick, stone or concrete. No such house shall exceed two thousand square feet in area, unless divided by a brick wall without openings. No person shall hereafter erect, alter or enlarge any building for a stable, except in such places as the board of health shall first approve.

Stables must
be approved
by board of
health.

22. No wooden or frame building shall be built, or added to if already built, within the first building district, any part of which shall be more than fifteen feet in height, or the area more than two hundred square feet. The roof of all such wooden buildings shall be covered with incombustible material. The fire marshal may authorize the erection of elevators for grain or coal to a greater height than fifteen feet and temporary sheds not over fifteen feet in height for the use of builders while at work upon building sites. No wooden building shall be removed from without to within the first building district.

Wooden
buildings in
first district.

Wooden
buildings in
second
district.

23. Wooden or frame buildings to be used as dwellings only, may be built in the second building district, but no part of the wall shall be placed at a less distance than three feet from the line of the lot on which it stands, except from a street line. Wooden or frame buildings other than dwellings, may be built in the second building district, provided such building is not more than thirty feet in height, nor more than twenty-five hundred square feet in area, and shall conform to the regulations prescribed herein for buildings of the same class in the first building district, except that in no case shall such wooden building be erected within three feet of a side or rear line of a lot, unless the space between the studs on said sides or rear be filled in with brick and mortar or other equally incombustible material. The fire marshal may authorize the erection of wooden or frame churches or chapels in the second building district to a greater height and area than above required.

Notices, how
served.

24. In all cases where by the provisions of this act, notice is required to be given, such notice shall be served by posting a written or printed copy thereof on the premises concerned, and leaving a duplicate copy thereof at the usual place of abode of the party interested, if within the city, or by mailing such duplicate in a registered letter to the usual address of said party, if residing without the city, or publishing the said notice for three successive days in the newspapers employed to do the city printing. Any notice served upon the architect or other duly authorized agent in charge

of any building or estate, shall be binding upon the owners thereof. Any person violating any provision of this act wherein no penalty is herein otherwise prescribed, shall be fined twenty dollars for every violation thereof, and shall be fined not exceeding twenty dollars for each day's continuance of the said violation after the service of the warrant issued upon the first complaint. Fines recovered for the violation of any of the provisions of this act, shall be paid into the city treasury, to be credited to the fireman's relief fund.

Penalty for violating provisions of this act.

Disposition of fines.

25. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

26. Buildings and structures belonging to the United States, or to this state, are exempted from the operations of this act.

Exemptions from act.

§ 203. All moneys now in the hands of or belonging to the treasurer of the present fire department of the city of Syracuse, and received by him as and for the tax upon foreign insurance companies doing business in said city, as now provided by law shall be paid over to the treasurer of said city, upon his demand therefor, the same to be paid out by him for the use, benefit and relief of sick or disabled firemen of the fire department of said city, upon the order of said board of fire commissioners and under such regulations as they may from time to time prescribe. And all property and effects now in possession of or belonging to the present fire department, purchased or paid for with the taxes heretofore collected from foreign insurance companies,

Moneys received from foreign insurance companies.

Property under control of council.

as aforesaid, or from the treasurer of said city, shall be turned over to the common council, to be held and used by them in like manner as other property under the provisions of this act, and actions in the name of the city of Syracuse may be maintained against said treasurer of the present fire department, and his sureties, and any other proper parties, to enforce the provisions of this section.

TITLE XIII.

POLICE COMMISSIONERS AND POLICE DEPARTMENT.

Board of
police com-
missioners.

§ 204. The government of the police department of the city shall be vested in a board of four commissioners appointed as hereinafter provided.

Mayor to
appoint com-
missioners.

§ 205. The mayor of said city shall have authority, and he is hereby required, upon the expiration of the terms of office of any of the present commissioners of said department, to appoint a citizen of said city, of good repute, a commissioner for said department for the term of four years, who shall belong to the same political party as the commissioner whom he is appointed to succeed; and thereafter the said mayor shall have like authority and it shall be his duty to appoint a like citizen a commissioner for a like term upon the expiration of the term of any commissioner hereafter appointed.

Term of office.

Board to be
non-partisan.

Vacancies in
office of
commissioner
filled by
mayor.

§ 206. If any vacancy in the office of police commissioner shall occur, other than by expiration of term

of office, it shall be the duty of said mayor to appoint a like citizen a commissioner to serve until the expiration of the term of the commissioner whose place he is appointed to fill, and of the same political faith as such preceding commissioner, so that the board of police commissioners shall remain and be non-partisan. The said commissioners shall serve without compensation.

To serve
without
compensation.

§ 207. The mayor of said city is hereby also authorized to remove from office any commissioner of said department for any cause deemed sufficient to himself; but he shall forthwith make and transmit to the common council of said city, to be entered upon their minutes, a statement in writing, signed by himself as such mayor, of his reasons for such removal.

Mayor may
remove.

Reasons for
removal to be
stated to
council.

§ 208. The said police commissioners shall exercise the powers and perform the duties connected with and incident to the police government and discipline of said city, as hereinafter more especially provided.

General
powers and
duties.

§ 209. The common council of the city of Syracuse shall provide suitable rooms in the city hall or elsewhere for the meetings of the commissioners. Such meetings shall be held at such times and places as shall be appointed by the president of the board, or a majority of the members thereof, and the attendance of three commissioners shall at all times be necessary to constitute a quorum.

Council to
provide
rooms.

Meetings of
the board.

Quorum.

§ 210. Said board of police commissioners shall select from their own number a president who shall hold

President of
the Board.

Chief of Police
to act as clerk
of Board.

Clerk to keep
record, &c.

Board to make
appointments.

Board may
appoint police-
men when
authorized by
council.

May appoint
special
policemen.

May appoint
special police-
men at request
of societies,
&c.

How paid.

his office at the pleasure of the board. The chief of police shall be ex-officio the clerk of said board, but shall receive no extra compensation therefor. The clerk of the board shall keep a record in due form of all the proceedings of the board and perform such duties incident to the office, as the board may require.

§ 211. The board thus constituted shall appoint the policemen and regulate and control the police force of said city. The policemen and officers of the police force now in office, and being forty-two in number, shall continue to be the policemen and officers of the police force, until their successors are appointed, subject to removal as hereinafter provided.

§ 212. The said board may appoint from time to time such additional number of policemen as they shall deem necessary, provided they shall be authorized so to do by the vote of three-fourths of all the members of the common council.

§ 213. The said board may also, when deemed necessary by them, appoint extra policemen, not exceeding in number the regular policemen, who shall serve for such time as the board shall deem necessary, not to exceed ten days, on request of the common council; they shall also in their discretion, at the request of any society holding public exhibitions in said city, or the proprietor or director of any public exhibition in said city, or of the president of any railway corporation in said city, appoint such number of special policemen as they may deem necessary; but the compensation of

special policemen in all cases shall be paid by the society or corporation or proprietor or director of the exhibition for which the services shall be performed. All special policemen so appointed shall be under the control of the police board.

Board to control.

§ 214. The policemen shall receive for their services such compensation as shall be fixed by the board, not exceeding in any case, except as hereinafter provided, the sum of seventy-five dollars per month.

Pay of policemen.

§ 215. The board shall select from the policemen appointed by them one who shall be chief of police, whose duty it shall be, under the direction of the police board, to superintend the police department of said city, of which he shall be the chief executive officer: he shall keep a record in a book of all cases and legal proceedings in his department, and of all services performed by him and the several policemen: he shall also keep a book to be known as the "property book," in which shall be entered all articles taken from persons arrested or seized on warrant or otherwise, together with the disposition made thereof; he shall, at least once in every month, report to the board the state of the department, and whether any member of his force are delinquent in their duties.

Board shall appoint Chief of Police.

To keep records of cases, &c.

To keep "Property book."

Report monthly to Board.

§ 216. The compensation of the chief of police shall be fixed by the board and shall not exceed one hundred and fifty dollars per month.

Pay of Chief of Police.

§ 217. The board shall also appoint a captain of the night watch, to be selected from the policemen of said

Captain of Night Watch.

Duties. city, who shall, under the direction of the chief of police, perform any services and exercise any control which the chief of police would, in the management and operations of the department. The compensation of the captain of the night watch shall not exceed one hundred dollars per month.

Detectives. § 218. The board may also select out of the number of policemen appointed by them not to exceed seven policemen, who shall constitute a detective force, and who shall receive, in addition to their regular pay, as hereinbefore provided, a sum to be fixed by said board, not exceeding twenty-five dollars each month. The said detective force shall be under the direction of the chief of police.

All appointees to take oath. § 219. The chief of police, the captain of the night watch and each policeman and special policeman shall, before he enters upon the discharge of his duties, take and subscribe and file in the office of the county clerk of Onondaga county the constitutional oath of office.

Filing of oath.

Tenure of office. The chief of police, the captain of the night watch and all policemen shall hold office during good behavior, except as in the next section provided.

Board may remove or suspend any member of force. § 220. The board of police commissioners, or a majority of them, are hereby authorized to remove from office the chief of police, the captain of the night watch, or any policeman or detective for any cause deemed sufficient to them or a majority of them, but they shall forthwith make and transmit to the common council of said city, to be entered upon their minutes, a statement

Statement of reasons for removal to be made to council.

in writing, signed by them, or such majority of them, of their reason for such removal. The board may also, for disobedience of orders or other offense not involving criminal or corrupt conduct, suspend temporarily from duty or pay, or both, any officer or member of the police force.

§ 221. The members of the police force of said city shall possess, in criminal cases and proceedings, in every part of the State of New York, all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest, issued by the police justice of said city or by any magistrate of the State of New York, may be executed in any part of the State, by any officer or member of the police force of said city, without any indorsement of said warrant and according to the terms thereof.

Powers in
criminal cases
possessed by
police force.

§ 222. No fee or compensation other than is herein provided shall be charged or received by any policeman or special policeman for the arrest, confinement or discharge of any prisoner, for mileage, or for serving any warrant or process, or for discharging any other duty required by this act to be performed by him; but any reasonable and necessary expenses incurred by any policeman in traveling, or otherwise, in the discharge of his duties, shall be paid by the treasurer of the city of Syracuse, on the warrant of the board of commissioners aforesaid, and the said board are hereby authorized to charge to the county of Onondaga, or to the city of Syracuse, as one of the towns thereof, as the case

Not to receive
fees, &c.

may be, the moneys thus paid, and the same shall be allowed and audited by the board of supervisors of said county, or by the board of city auditors of the city of Syracuse.

Nor rewards,
except on
approval of
police board

§ 223. No policeman or special policeman or officer of the police force shall receive any present or reward for services rendered or to be rendered, unless with the approval of the police board, such approval to be given in writing and filed with the clerk; and any one of their number who shall receive any fee or reward in violation of this section shall forfeit his office.

Salaries, &c.,
of police
department,
how paid.

§ 224. * The salaries and contingent expenses of the police department, office, furniture, fuel, lights, stationery, printing, advertising, books, policemen's badges and batons, shall be paid by the treasurer of the city on a warrant of the board. All warrants of said board must be authorized by a vote of the board and signed by the president and clerk thereof.

Police shall be
uniformed.

§ 225. The police appointed under this act shall be uniformed police.

Board has
power to make
rules,
regulations,
&c.

§ 226. The board of police commissioners aforesaid shall have power to make such rules, regulations and by-laws, not inconsistent with the laws of this State and of the United States, as may be necessary for the government and discipline of the police force and management of the police department.

*As amended by chap. 531 of the Laws of 1893.

§ 227. The common council of said city shall provide and keep in order such station-houses, lock-ups and other necessary accommodations as shall be required for the use of the police force.

Common council shall provide station houses.

TITLE XIV.

CITY EXPENDITURES.

§ 228. No officer of the city or any other person shall have power, and each and every person is prohibited from making any purchase or contracting any debts on the part of the city, unless specially authorized by the common council so to do ; and no account, claim or demand of any kind shall be audited, allowed or paid by the common council unless the same was duly authorized by vote after being examined by the mayor and reported to the common council.

Common council only to authorize.

§ 229. In case any alderman shall vote for any appropriation or for the payment or expenditure of any moneys not authorized by this act or in violation of any of the provisions of this act, every such alderman shall be liable to a penalty of one hundred dollars, to be sued for and recovered in any court by any citizen of said city ; and in case the said common council shall contract any debt after the second Tuesday in March in any year, and before the second Tuesday in March thereafter, which shall remain unpaid for one month after the last mentioned day for want of sufficient funds in the treasury to pay the same, or in case the common

Voting for expenditures not authorized

Penalty.

Personal
liability
of Aldermen.

council shall authorize any expenditure for any purpose in such year exceeding the amount they are hereby authorized to raise for such purpose, the aldermen voting for the contracting of any such debt or to authorize any such expenditure shall also be personally liable to each and every party entitled to payment, but the city of Syracuse shall not be liable to pay the same, nor shall the common council audit or pay any debt so contracted or expenditure so made.

Appropriations must be specific.

Extra compensation not allowed.

§ 230. All resolutions adopted by the common council, authorizing the expenditure of money, shall appropriate specifically the amount to be expended, and no extra or additional compensation shall be allowed or paid on any contract, or to any officer, person or persons, for any services or work done or materials furnished to said city.

Common council to audit all accounts.

Fees for searching records.

To be paid into city treasury.

§ 231. The common council shall, in such manner and form as they may deem proper, examine, settle and allow all accounts chargeable against the city, as well of its officers as of other persons, except as herein otherwise provided, and shall prescribe the fees, to be paid to any officer of the city for searching the records and files belonging to the city for individual purposes, which fees shall be paid by such officer into the city treasury.

Common council to review accounts of previous council.

Shall bring suit against aldermen and mayor.

§ 232. It shall be the duty of each common council immediately to ascertain the amount of debt contracted by the common council of the previous year; if the same shall exceed the amount authorized by law, it shall bring an action or actions in the name of the city

to recover such amount against the several aldermen who may have voted for the expenditure constituting all or any part of such excess and against the mayor who may have approved the bill, and such moneys when collected shall be paid into the city treasury for the benefit of those entitled thereto.

§ 233. Whenever the common council shall require any work to be done or materials or supplies to be furnished, the nature of which will admit of competition on the part of those who might do or furnish the same, the same shall be done or furnished, as the case may be, by contract, if an expenditure of more than seventy-five dollars shall be involved, and such contract shall be awarded to the lowest bidder, who shall give one or more sureties to be approved by the mayor for its faithful performance. The proposals shall be advertised for at least five days in the official papers of the city, and shall be in such form as the council may prescribe. When the lowest bid in any case shall, in the opinion of the common council, be too high they shall have the right to reject it, and direct the clerk to advertise again for the same time and in the same manner for new proposals. The common council shall not, however, be required to procure any work to be done, or materials or supplies furnished by contract awarded to the lowest bidder for the purposes named in sections one hundred and sixty and one hundred and sixty-two of this act.

Contracts in excess of \$75.

Award of contract.

Advertisement for proposals.

Lowest bid may be rejected.

Exceptions.

TITLE XV.

MISCELLANEOUS PROVISIONS.

To take and
file oath.

§ 234. Except as otherwise specially provided all officers elected or appointed under the provisions of this act or any amendment thereof shall take and file in the office of the city clerk the constitutional oath of office.

Official bonds.

§ 235. In addition to the officers required by this act to give bonds for the faithful performance of their several duties and for the accounting for and paying over all moneys by them received, respectively, the common council may require any other officer or person who is or may be appointed by them to give like bonds with such sureties as the council may approve, and conditioned as the council may direct; and the common council may, whenever it may deem proper, require additional or further security of any officer or person after the giving of the bond first mentioned. The city of Syracuse may sue for and recover for any breach of such bond or bonds.

Additional
security.

City may
bring suit.

Officers to
take oath and
give bonds
before.

§ 236. Except as herein and by law otherwise provided no person elected or appointed to any office under the provisions of this act shall enter upon the discharge of his duties until he shall have taken such constitutional oath of office, and the bond or bonds, if any, required to be given by him for the faithful performance of his duties, have been approved.

Terms of
office, general.

§ 237. Except as by this act or by any general statute otherwise specially provided, the term of office of all

officers elected or appointed under the provisions of this act shall be deemed to commence at the time of the annual meeting of the common council on the first Monday after the charter election.

§ 238. If any person elected or appointed to any office under the provisions of this act shall not, within five days after notification of his election or appointment, take and file the required oath of office and execute the security, if any required, the common council may treat such neglect or omission as a refusal to serve, declare the office vacant, and proceed forthwith to fill said vacancy as in this act provided.

Failure to qualify.

Council may declare vacant and fill vacancy.

§ 239. The common council shall determine and prescribe the compensation to be paid to any officer elected or appointed under this act, not otherwise herein provided for; and the compensation fixed by this act, or by the common council, for the several officers shall be in full for all services which said officers shall respectively perform for said city in any and all capacities. All fees and perquisites received by such officers shall except as herein otherwise specially provided, be paid into the city treasury for the benefit of the general fund.

Council to fix compensation.

All fees to be paid to city treasurer.

§ 240. The common council may prescribe the form of affidavit to be sworn to and annexed to bills against the city, and the time and manner of auditing and paying accounts against the city and the salaries of city officers.

Affidavit for accounts.

False
swearing
deemed
perjury.

§ 241. Any person required to take or who may take any oath or affirmation under or by virtue of the provisions of this act, who shall willfully swear or affirm falsely to any material fact or matter, under such oath or affirmation, shall be guilty of perjury.

School com-
missioners and
aldermen
must not be
interested in
contracts, &c.

§ 242. No school commissioner shall be interested in any work done or supplies furnished in pursuance of any action of the board of education; nor shall any alderman be interested in any work done or supplies furnished in pursuance of any action of the common council. Any person violating any of the provisions of this section shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered by any citizen or officer of the city.

Penalty.

Citizens
qualified to act
in city suits.

§ 243. No person shall be disqualified from acting as judge, juror, witness or justice, by reason of being an inhabitant or freeholder in the city of Syracuse, in any action or proceeding in which the city is a party or interested. No person entitled to vote at any election held under this act shall be arrested on civil process within said city on the day on which such election shall be held.

Exemption
from arrest
on election
day.

Judgments
against city
may be
appealed.

§ 244. If judgment in any action shall be rendered against the city, by any justice of the peace, or in any court, such judgment may be removed by appeal to the proper court in the same manner and with the same effect as though the city were a natural person, except that no undertaking on appeal shall be necessary to be executed by or on behalf of the city.

§ 245. Any judgment rendered against, or penalty imposed upon, any defendant in any action or proceeding brought upon or instituted in pursuance of this act, or under the provisions of any ordinance, by-law or resolution made in pursuance of the provisions of this act, may be enforced by warrant or execution, to be issued to any constable or policeman of the city upon the rendition of such judgment or imposition of such penalty. If the defendant in such case has no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of Onondaga county for a term not exceeding thirty days.

Judgments in favor of city may be enforced.

Judgment debtor may be imprisoned.

§ 246. Whenever any written charges shall be presented against any officer of the city (except as otherwise herein provided), for incapacity, official misconduct or other offense, specifying the same, the common council shall cause a copy of the same to be served upon the party charged at least five days before the hearing of the same, with a notice of the time and place of the hearing thereof. At the time and place specified in said notice, the common council shall proceed to hear the evidence offered and determine said charges. If the same are not sustained they may dismiss the same, or if sustained, they may by resolution remove such officer and declare such office vacant, and proceed to fill the vacancy as herein provided. No person shall be removed unless by the affirmative vote (to be taken by ayes and nays) of two-thirds of all the members elected to the council. Nothing herein con-

Charges against officers.

Council to hear evidence.

Council to determine.

Two-thirds vote to remove.

Officers exempted.

tained shall authorize the removal of the mayor, alderman, police justice or any justice of the peace of said city.

Repeal of by-laws and ordinances.

§ 247. The common council may, by a two-thirds vote of all members elected to the council (taken by ayes and nays), and not otherwise, repeal any by-law or ordinance which may be passed by said common council under the provisions of this act.

Hold one office only.

§ 248. No person shall, at the same time, hold more than one of the offices created or authorized by this act.

Officers to complete terms.

§ 249. All persons in office at the time of the passage of this act, whether elected or appointed, shall continue to hold their respective offices for the balance of the terms for which they were respectively elected or appointed.

Liability for injuries.

§ 250.* The city of Syracuse shall not be liable in a civil action for any injury or damage resulting from any defect or improper condition in or upon any street or sidewalk, unless written notice, specifying the time, place, and cause of such injury, or damage shall be served on the mayor or city clerk within six months after the injury or damage was received, nor unless an action shall be commenced within one year after the service of such notice. No action to recover or enforce any such claim against the city shall be brought until the expiration of forty days after the claim shall have been presented in the manner and form above provided.

Notice of.

Commencement of action.

*As amended by chap. 449 of the Laws of 1888.

§ 251. The common council of the city of Syracuse shall, in due season, prior to the election for city and ward officers in and for the year eighteen hundred and eighty-five, take all necessary measures and make all due and needful provisions for the holding of the charter election in that year, and the election of all city and ward officers, required to be elected at such election under the provisions of this act, including the appointing of inspectors of elections. Such provisions shall conform as nearly as may be to the general statutes of the State regulating the appointment of inspectors, the registry of voters and the holding of elections.

Charter election in 1885.

§ 252. The intention being that this act shall be a substitute for and take the place of the present charter of said city, and all local laws relating to all or any of the matters in this act provided for, it is expressly declared that from and after the time when this act shall take effect, each and all of the provisions of the present charter of said city, and all local laws relating to all or any of the matters in this act provided for, and all acts and parts of acts inconsistent with this act are hereby repealed, but such repeal shall not affect any suits or legal proceedings then pending.

All former laws repealed.

Exceptions.

§ 253. This act shall take effect immediately.

SEVERAL ACTS OF THE LEGISLATURE

RELATING TO THE
CITY OF SYRACUSE.

MUNICIPAL COURT.

LAW TO ESTABLISH A "MUNICIPAL COURT OF THE CITY OF SYRACUSE," PASSED APRIL 20, 1892, BEING CHAPTER 342 OF THE LAWS OF 1892, AS AMENDED MARCH 15, 1894, BY CHAPTER 137 OF THE LAWS OF 1894.

SECTION 1. A court of civil jurisdiction, to be called ^{Municipal Court.} and known as the "Municipal Court of the City of Syracuse" is hereby created and established, in and for said city, with the jurisdiction and powers hereinafter provided. Immediately after this act shall take effect there shall be appointed by the governor two ^{Judges.} judges of said court, not more than one of whom shall belong to the same political party, whose duties shall be to organize and hold said court in said city as hereinafter provided.

§ 2. Said judges shall enter upon their duties on ^{Terms of office.} the first day of January, eighteen hundred and ninety-three, one of whom shall hold office for the term of five years, and the other for the term of six years; the term of each judge to be designated by the governor at the time of making such appointment. The judges appointed or elected, as provided in this act, shall take ^{Official oath.} the oath of office provided by law before entering upon their duties, and file the same with the clerk of Onondaga county.

§ 3. At the annual charter election to be held in ^{Election of judges.} said city, next preceding the close of each term, said office shall be filled by election, and the persons so elected shall hold office for the term of six years.

Vacancies
how filled.

§ 4. Whenever a vacancy shall occur in said office the same shall be filled by election at the next annual charter election held in said city, and the person so elected shall hold office for the term of six years; provided, however, that if such vacancy occurs more than sixty days next previous to such election, the same may be filled by the governor, the appointee to hold office until the first day of January next following such appointment.

Removal of
constables.

§ 5. The judges of said court shall have power to remove any constable of said city upon the same complaint as is provided by law for the removal of a constable of a town. The said judges shall associate together to hear and determine the same, and the same proceedings shall be had by and before them as are provided by law to be had by and before three justices of the peace of a town for the removal of a constable.

Marriages.

The judges of said court are hereby authorized and empowered to solemnize the rights of marriage. They shall also have power to take oaths and acknowledgments with the same force and effect as a justice of the peace. The said judges or either of them may command the services of any constable of said city to enforce the authority of said court and to maintain the peace.

Services of
constables.

Power to take
oaths, &c.

Oath of office.

§ 6. The judges elected or appointed as provided in this act shall before entering upon their duties, take the oath of office prescribed by law, and file the same in the office of the clerk of the county of Onondaga.

Eligibility to
office.

§ 7. No person shall be eligible to the office of judge of said court, unless he be a resident elector of the city of Syracuse, and has been an attorney and counselor of the supreme court of the State of New York for three years.

Business
hours.

§ 8. The court shall be opened for the transaction of business each day in the year (Sundays and legal holidays excepted,) and shall be held by one of the judges thereof. Whenever, however, the necessities of business require, the said court may be held in two parts or divisions at the same time.

Division
of Court.

§ 9. The common council of said city shall provide suitable rooms, light, fuel, furniture, necessary blank-books, blanks and stationery, for the use of said court, and shall provide for the payment of the salaries of the judges and clerks thereof, and any other necessary expenses of said court. Duty of common council.

§ 10. The said court shall have jurisdiction of the following actions and proceedings whether commenced by summons, warrant, attachment, requisition or other process : Jurisdiction of court.

1. An action to recover damages upon, or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars. In actions upon contract.

2. An action to recover damages for a personal injury, or an injury to property, where the sum claimed does not exceed three hundred dollars. Damages for injury.

3. An action upon a bond, conditioned for the payment of money, where the sum claimed to be due, does not exceed five hundred dollars; the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid by installments, an action may be brought, for each installment as it becomes due. Upon bond.

5. An action upon a surety bond, taken in said court, or by any justice of the peace. Surety bond.

6. An action upon a judgment rendered in said court, or in a court of a justice of the peace, or in a district court of the city of New York, or in a justice court of a city, being a court not of record. Upon judgment.

7. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattel, or of all the chattels, as stated in the affidavit, made on the part of the plaintiff, does not exceed five hundred dollars. Recovery of chattels.

- Judgment on confession. 8. To render judgment upon the confession of a defendant or defendants, as prescribed in title six, chapter nineteen of the Code of Civil Procedure, where the sum confessed does not exceed one thousand dollars.
- Fraud in sale or purchase of property. 9. In an action for damages for fraud in the sale, purchase, or exchange of personal property, if the damages claimed do not exceed five hundred dollars.
- Attachment actions, commenced by. 10. In an action commenced by attachment, pursuant to the provisions of article four of title two of chapter nineteen of the Code of Civil Procedure, if the debt or damages claimed do not exceed five hundred dollars.
- Summary proceedings. 11. In summary proceedings, under title two of chapter eighteen of the Code of Civil Procedure, to recover possession of land and to remove tenants and others therefrom.
- Mechanics and other Liens. 12. In actions or proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars, the same proceedings to be had as are provided by law to be had in justices' courts.
- Bastardy proceedings. 13. In proceedings in cases of bastardy, brought by the overseer of the poor of the city of Syracuse, or by the superintendent of the poor of the county of Onondaga.
- Penalties. 14. In proceedings to recover a penalty for the violation of any ordinance of the city of Syracuse.
- Other actions. 15. In any other action or civil proceeding of which justices of the peace of towns now have jurisdiction.
- Court cannot take cognizance of certain actions. § 11. But such court cannot take cognizance of a civil action in either of the following cases :
1. Where the title to real property comes in question, as prescribed in title three of chapter nineteen, of the Code of Civil Procedure. But when such question arises, the pleadings and practice shall be the same as are now provided by law, for justices' courts, in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or administrator as such.

§ 12. Said court shall have the same jurisdiction over the persons of defendants, as is now possessed by justices' courts of towns, pursuant to the provisions of section twenty-eight hundred and sixty-nine of the Code of Civil Procedure, and for the purpose of conferring jurisdiction of the person, the said city of Syracuse shall be deemed a town, and said court a justices' court thereof. Jurisdiction over persons of defendants.

§ 13. Process shall be made returnable before said court, by its proper title, and shall be substantially in the forms and returnable within the times prescribed for courts of justices of the peace, and shall be signed by a judge, or clerk or deputy clerk of said court. Process.

§ 14. The process, service of the same, appearances, practice, pleadings, and proceedings in said court and in appeals therefrom, judgments by confession, offers to compromise, fees, costs and disbursements, shall, except as hereinafter otherwise provided, be governed by the provisions of the Code of Civil Procedure in regard to courts of justices of the peace including the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and eighty-one, and the acts amendatory thereto in relation to the service and making of verified pleadings in justices' courts. The precept, practice, pleadings and appeal, in summary proceedings shall be governed by the provisions of the Code of Civil Procedure relating thereto. Practice, pleadings, etc.

Proceedings and practice in cases of bastardy and appeals therefrom, shall be governed by the provisions

of the Code of Criminal Procedure relating thereto except that such proceedings may be held and conducted before either one of the judges of said court, with the same force and effect as if two magistrates were present. The judges of said court may, from time to time, make, alter and amend rules of practice, not inconsistent with the provisions of law. Such rules or alterations, or amendments thereof shall not take effect, however, until a copy thereof signed by both of the judges of said court, and indorsed with the approval of a justice of the supreme court of the fifth judicial district, shall have been filed in the office of the clerk of Onondaga county, and until such copy with said indorsement, shall have been published for at least ten days in one of the daily newspapers, published at the city of Syracuse, in which city notices are published.

Rules of practice, alterations of.

The appearance of an attorney and counselor-at-law of the supreme court of this state, on behalf of any party to an action or proceeding pending in said municipal court, may be made by filing with the clerk of said court a notice of appearance, and shall have the same force and effect as if such appearance had been made in a proceeding pending in the supreme court.

Appearance of attorney.

Any action or proceeding pending in said court may be discontinued by filing with the clerk of said court a stipulation to that effect, signed by the parties or their attorneys, and by paying said clerk all the fees of said court, including constable fees. In such a case judgment of non-suit need not be rendered.

Discontinuation of actions.

The court shall have power to open defaults, and, in an action tried by a jury, to direct a verdict, and the judge before whom a trial is had, shall have power to grant a new trial of the action or proceeding for any of the reasons specified in section nine hundred and ninety-nine of the Code of Civil Procedure, upon such terms as may be just. It, or the judges thereof may also entertain motions and make orders in any action or proceeding of which it has jurisdiction, in the same manner as the same may be done in the supreme court.

Opening defaults and directing verdict.

If notice of a motion or of any other proceeding, before the court or a judge thereof is necessary, it shall be served upon the party or his attorney at least five days before the time appointed for the hearing, unless the

Motions and orders.

court or a judge thereof, upon an affidavit showing grounds therefor, makes an order to show cause why the order should not be granted, and in the order directs that service thereof less than five days before it is returnable be sufficient. A motion for a new trial upon the minutes must be made within seven days after judgment is entered. Judgment upon the trial of an action on the merits must be rendered within ten days after the same has been finally submitted. Every action and proceeding brought in said court shall be called at the time specified in the mandate or process by which it is commenced, or as soon thereafter as the business of the court will permit, and section twenty-eight hundred and ninety-three of the Code of Civil Procedure shall not apply to such action or proceeding.

Judgments,
when to be
rendered.

Actions, etc.,
when called.

§ 15. And all the powers now given by the Code of Civil Procedure or by statute to justices of the peace of towns, to issue executions, or to give transcripts are hereby given to the judges, clerk, or deputy clerk of said court.

Executions.

§ 16. A judgment of said court shall be, in all respects the same as a judgment rendered by a justice of the peace of towns, and all provisions of the Code of Civil Procedure in relation to filing transcripts of such judgments, and docketing the same, in the office of the clerk of Onondaga county, or of any other county, and the effect of such judgment, when so docketed shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court.

Judgments
of court.

§ 17. The court may, in its discretion, grant one or more adjournments of the trial of an action or the hearing of a motion or other proceeding, for such times and upon such terms as it may deem just, unless the defendant has been arrested, in which case no adjournment shall be made without the consent of the defendant. Subject to the approval of the judge of the court, any action or special proceeding may be adjourned

Adjournment
of trials.

after issue is joined by a stipulation signed by the parties or their attorneys, and filed with the clerk of the court.

Proceedings
supple-
mentary to
execution.

§ 18. Proceedings supplementary to an execution against property, as regulated by the Code of Civil Procedure, may be instituted before a judge of this court in any case where the judgment sought to be enforced was rendered therein. For this purpose the judge shall have all the powers conferred by law upon county judges, and appeals may be taken from an order granted therein in the same manner and to the same court as if the order appealed from had been granted by a county judge.

Court fees
in civil
action.

§ 19. There shall be paid to the clerk or deputy clerk of said court, the following sums only as court fees in a civil action. Upon the issuing of a summons, one dollar ; upon the return day, if judgment is to be taken by default, or if issue is joined (1) if such judgment is rendered, or the amount demanded in the complaint is for a sum less than twenty-five dollars, fifty cents ; (2) if such judgment is rendered or the amount demanded in the complaint is for the sum of twenty-five dollars or over, one dollar ; for the trial of an action by the court, if issue joined, one dollar and fifty cents ; for the trial of an action by a jury, two dollars and fifty cents ; for each order, warrant, subpoena (including all the names inserted therein), execution, requisition in an action for a chattel, transcript, or for drawing a bond or undertaking, twenty-five cents ; for each adjournment, after the second regular adjournment, twenty-five cents ; for hearing an application for a commission to examine one or more witnesses, or for an order for such commission, and for attending, settling and certifying interrogatories, or for hearing an application to discharge a defendant from arrest, or to vacate or modify a warrant of attachment, or to increase the plaintiff's security thereupon, fifty cents ; for making a return upon an appeal from a judgment, or order, two dollars. And in addition thereto there shall be paid, before the return is filed with the appellate court, six cents for each folio of one hundred words contained in said re-

turn, in excess of fifty folios. In summary or special proceedings, including bastardy proceedings, the fees shall be the same as are now allowed by law to justices and justices' courts. The clerk or deputy clerk shall require the prepayment of all such fees. ^{Prepayment of fees.} Provided, ^{Proviso.} however, if any person shall satisfy one of said judges, by affidavit, which affidavit must be in writing and filed with the court, that he has a good and meritorious cause of action against another within the jurisdiction of said court, and that he has made a personal demand for the payment thereof of the debtor, and that such payment has been refused, and shall therein also state the name and residence of the debtor, and the amount due over and above all legal set-off, and that the applicant is unable to pay the fees therefor, the judge to whom such affidavit is presented may, in his discretion, indorse on such affidavit directions to the clerk or deputy clerk to issue the proper writ in the case returnable before the other of said judges without charging for court fees, but the applicant in such case shall pay in advance the fees of the constable for serving such writ or process. All fees paid into said court or included in any judgment rendered therein, except constable, jury and witness fees, shall belong to the city of Syracuse and no such judgment shall be satisfied until said fees are paid into said court, but fees prepaid by either party recovered by any judgment in his favor, and paid into the court, shall be refunded to him. ^{Fees to belong to city.} ^{Refunding fees.}

§ 20. In all civil actions and proceedings in this court, the successful party shall tax and recover all fees, including jury, constable and witness fees, paid by him or which he will necessarily incur. In addition thereto there shall be allowed to a party, in case he has appeared by an attorney and counselor of the supreme court (and not otherwise) the following sums as costs : ^{Costs and fees in civil actions, etc.}

1. For all proceedings before trial, including judgment for plaintiff upon default, to the plaintiff, three dollars.

2. Judgment for plaintiff otherwise than upon a default, an additional sum equal to ten per centum of the recovery, not to exceed twenty-five dollars.

3. If the plaintiff recovers judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional costs therein shall be estimated upon the value of said chattels as assessed by the said court or jury.

4. If judgment of non-suit is rendered for the defendant, without trial, to the defendant, three dollars.

5. If a judgment is rendered for the defendant after trial, to the defendant, five dollars; and the court, in its discretion, may allow an additional sum not exceeding fifteen dollars.

6. A defendant who recovers in said court a judgment upon a counter claim therein or obtains a judgment for the possession or recovery of chattels sued for therein is entitled, in addition to costs heretofore allowed said defendant, to recover a sum equal to ten per centum upon said recovery, or upon the value of said chattels, not to exceed twenty dollars.

7. No costs or fees shall be allowed or recovered in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of the judgment sued on.

8. Costs upon a motion in an action or other proceeding, not exceeding three dollars may be awarded either absolutely or to abide the event of an action or proceeding, to any party, in the discretion of the court or judge. Such costs or costs awarded under section twenty-two of this act, as amended, may be included in the final judgment, or if not so included may be enforced in accordance with the provisions of section seven hundred and seventy-nine of the Code of Civil Procedure.

§ 21. Any judge holding said court, while in session, shall have the same powers to preserve order and to punish for contempts committed in his presence as are possessed by judges of courts of record ; providing, however, that an appeal may be taken from an order adjudging a person in contempt, to the county court in the same manner as an appeal from a judgment. And pending the determination of such appeal the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by any judge of said court or of the county court in such an amount, and by an undertaking in such form and terms and with such sureties as shall be approved by such judge. Punishment
for contempt.

§ 22. Appeals may be had from any judgment rendered in said court to the county court of Onondaga county in the same manner and with the like effect as appeals are now had by law from judgments obtained in justices' courts except as otherwise provided herein. Appeals may also be had to the same court from an order granting a motion for a new trial. Such appeal must be taken within three days of the making of the order appealed from. It shall be taken in the same manner as an appeal from a judgment, and all subsequent proceedings therein shall be conducted, as near as may be in a like manner as in such an appeal. The appellate court may grant costs, not exceeding ten dollars, to the successful party on such an appeal. The order of the appellate court shall be remitted to the municipal court to be enforced. For the purpose of an appeal to the supreme court, the order of the county court of Onondaga county made on appeal from an order, shall be deemed an order of said county court, except that the order or judgment made in the supreme court shall be certified and remitted to the municipal court to be enforced. Upon an appeal from a judgment, the appellate court, upon its reversal may, in its discretion, order a new trial before either of the judges of the municipal court, at a time designated, and in such a case the costs of the appeal shall be in the discretion of the appellate court. Appeals from
judgments.

decision or opinion in writing filed by the court or either of the judges thereof, shall upon an appeal, be returned as a part of the record of the proceedings. Costs required to be paid to perfect an appeal, under section three thousand and forty-seven of the Code of Civil Procedure, shall not include the costs awarded a party under section twenty of this act as amended, but upon judgment affirming the judgment appealed from such costs may be included therein, except that the per centum allowed under subdivisions two, three and six of said section twenty of this act, shall be computed upon the amount of damages awarded (or the value of the chattels recovered) in the judgment of the appellate court.

Costs to
perfect
appeal.

Clerk and
deputy clerk.

§ 23. Said court shall have a clerk and one deputy clerk to be appointed by said judges, such appointment to be in writing and filed with the clerk of Onondaga county. Said clerk and deputy clerk shall take the usual oath of office and file the same with said county clerk and shall hold said office during the pleasure of said judges, and shall each give bail for the faithful performance of his duties in such form and for such sum with such surety as shall be approved by said judges and file the same with the treasurer of said city. It shall be the duty of said clerk and deputy clerk to keep in the docket of said court a complete and accurate record of all processes issued and returned to said court, and of all proceedings in any action or proceeding brought in said court, and to enter therein the judgment and decision of said court, and said docket shall be evidence in the courts of this state the same as the docket of the justice court. The said clerk may make and certify in the form provided by law for clerks of courts of record of this state, copies of the entries in said docket and of all papers filed in said court, and said clerk and deputy clerk shall have power to take oaths and acknowledgments, the same as a justice of the peace, and said clerk or deputy clerk shall keep an accurate account of the fees received, and from whom and the time of receiving the same, and at the end of each month shall deposit the amount thereof

Docket of
court.

Certified
copies.

Duties of
clerk and
deputy.

with treasurer of the city of Syracuse, together with a detailed statement of the items thereof, which statement shall be verified by the said clerk or deputy clerk, to be true and correct, and to embrace all the moneys paid into said court or received by said clerk, or by said deputy, during the period covered by said statement. It shall also be the duty of said clerk or deputy clerk whenever required by said judges, or either of them, to take stenographic notes or minutes of any trial had in said court for the convenience and use of said judge or judges. The said clerk or deputy clerk shall have the power, in the absence of the judges of said court, to adjourn an action or proceeding returnable or pending before said court, for a period not longer than eight days at a time. The court shall have an official seal, to be furnished by the city on which shall be engraved the words "Municipal Court of Syracuse"—"seal". The clerk of the court shall have the custody of such seal, and any certificate made by him under his hand and seal of the court of any fact or matter to which, by this act, he shall be entitled to certify, shall be received in evidence in all courts and places, and be of the same force and effect as if the court were a court of record.

Powers to
adjourn
court.

Official seal
of court.

Certificates
under seal.

§ 24. Said judges shall each be paid in monthly payments an annual salary of the sum of twenty-five hundred dollars, and shall receive for his own use no other compensation for services as judge of said court. Said clerk shall be paid in monthly payments an annual salary of one thousand dollars, and shall receive no other compensation for services as clerk of said court, and said deputy clerk shall be paid in monthly payments an annual salary of six hundred dollars and shall receive no other compensation for services as such deputy clerk of said court.

Salaries.

§ 25. From and after the passage of this act, no person shall be elected to the office of justice of the peace in said city of Syracuse, and all acts and parts of acts inconsistent with this act, and all provisions of the charter of the city of Syracuse in relation to justices' courts in said city inconsistent with this act are hereby repealed.

Justice of
peace not to be
elected in city.

May discharge
duties of
police justices

§ 26. Either judge of said court may, in case of the absence from the city or disability of the police justice of said city, and if required, shall exercise all the powers and discharge all the duties of said police justice as required by law.

Charge to
jury.

§ 27. It shall be the duty of said judges, or either of them, to charge the jury on questions of law whenever required by any party to an action or his attorney.

§ 28. None of the provisions of the act of 1894 shall apply to any action or special proceeding commenced in said municipal court before it takes effect.

§ 29. The act of 1894 shall take effect immediately.

WATER.

LAW TO ESTABLISH AND MAINTAIN A WATER DEPARTMENT IN AND FOR THE CITY OF SYRACUSE, BEING CHAPTER 291 OF THE LAWS OF 1889 AS AMENDED BY CHAPTER 314 OF THE LAWS OF 1890 AND CHAPTER 27 OF THE LAWS OF 1892.

SECTION 1. Within thirty days after the first Tuesday in June, eighteen hundred and eighty-nine, the mayor of the city of Syracuse shall appoint a board of water commissioners to be known as the "Syracuse Water Board," which shall at all times consist of six members, residents of said city, three from each of the two principal political parties, the first six commissioners shall respectively hold office until the first Tuesday in January, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, when appointed their respective terms of office shall be designated, and so that the commissioners whose terms of officers expire in an even year shall belong to the same political party. The terms of office of all other water commissioners appointed under this act, except to fill vacancies, shall be six years, and they shall be respectively appointed by the mayor within twenty days prior to the expiration of the term of any commissioner they are appointed to succeed. In case of a vacancy for any cause, the

Water commissioners,
appointment
of.

Qualifications
and terms of
office.

Term of office.

Vacancies,
how filled.

mayor shall appoint a commissioner for the unexpired term. Each commissioner shall hold office until the appointment and qualification of his successor.

Organization
of board.

§ 2. Within fifteen days after the appointment of the first six commissioners, at a time designated by the mayor, they shall meet at the office of the city clerk, take and file the oath of office prescribed by the constitution of this state and organize by electing one of their number president. They shall also at the same time, or at a subsequent meeting, appoint and have at all times a secretary, who shall keep the books, records, and accounts of the board, and who shall hold office at their pleasure. A record of the appointment and qualification of the commissioners and of the organization of the board shall be kept by the city clerk, and notice thereof in writing shall be given to the city treasurer.

To appoint
secretary.

Record of
organization.

Board to
maintain
system of
water works.

§ 3. The said Syracuse Water Board is hereby authorized and directed, for and in the name of the city of Syracuse, to acquire, construct, maintain, control and operate a system of water works to furnish the city of Syracuse and its inhabitants with water from Skaneateles lake, and may employ engineers, surveyors, superintendents, officers, agents and such other persons as may be necessary for that purpose, and fix their compensation and terms of employment. The board may also contract for, purchase and acquire by deed or otherwise, in the name of the city of Syracuse, all lands, waters, easements, property, tenements, hereditaments, rights, privileges and franchises, and any foun-

May purchase
lands, waters,
&c.

tains, dams, mains, pipes, conduits, hydrants, machinery and all other real and personal property whatsoever necessary for the acquisition, construction, maintenance, control and operation of said water works, and to con-
May contract for work.
 tract for the execution of said work or any part thereof, and for supplying any and all necessary materials therefor. Said board may also acquire the property,
May acquire franchises of any corporation.
 rights of property and franchises owned or possessed by any existing corporation or company organized to supply the city of Syracuse and its inhabitants with water, or having or claiming any right so to do, and control, maintain and operate the same. The title to
Title how vested.
 any and all property acquired pursuant to this act shall vest and be in the city of Syracuse. The board, its
May enter upon lands, make surveys, etc.
 officers, agents and employees are authorized to enter upon any lands or waters for the purpose of making such surveys, examinations and investigations as shall seem to them necessary in the faithful performance of their duties.

§ 4. In case the Syracuse Water Board shall be un-
Board may acquire property or franchises.
 able to acquire by purchase any property necessary for the acquisition, construction, maintenance, control and operation of the system of water works contemplated by this act, including the property, rights of property, privileges and franchises owned or possessed by any corporation or company organized to supply said city of Syracuse and its inhabitants with water, or having or claiming any right so to do, it is hereby authorized to acquire the same in the manner following:

Petition to
court, for
appointment
of appraisal
commissioners

§ 5. The board may present its petition to the supreme court at a general or special term thereof, held in the fifth judicial district, praying for the appointment of commissioners of appraisal to ascertain and determine the amount of compensation which ought justly to be made to either or any of the owners or persons interested in any or all of the property, rights, privileges and franchises deemed necessary by the board. Such petition shall be signed and verified by a member of the board. It shall contain a description of the property sought to be acquired, and must state in effect that the property is requisite to the acquiring, constructing, improving, maintaining, controlling or operating said water works; that the board has not been able to acquire title thereto, and the reason of such inability. It must also state the names and places of residences of the owners or parties interested in the property sought to be acquired, so far as the same can by reasonable diligence be ascertained. If any such persons are infants, their ages as near as may be, must be stated; if any are idiots or persons of unsound mind, or unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances as the board may see fit to make.

Statements
therein.

Petition
how served.

§ 6. A copy of such petition, with a notice of the time and place when and where the same will be presented to the court, must be served on all persons whose interests are to be affected, at least ten days prior to its presentation to the court. If the person upon whom such service is to be made resides in this

Upon
unknown
owners, or
non-residents.

state, and is not an infant, idiot or person of unsound mind, service of a copy of the petition and notice must be made upon him personally, or by leaving the same at his usual place of residence with some person of suitable age. If the person on whom such service is to be made resides out of the state, or is unknown, or his residence cannot by reasonable diligence be ascertained, such service must be made by delivering to such person personally or by leaving at his last place of residence, if known, a copy of such petition and notice, at least twenty days before presenting the same to the court; or such service may be made by publishing a notice, stating briefly the object of the application and giving a description of the land or other property to be taken, in two daily newspapers published in the city of Syracuse, twice a week for three successive weeks; and by depositing a copy of the petition and notice in the post-office at Syracuse, New York, properly folded and directed to such person at his post-office address, if the same can be ascertained; and if not, at the post-office at or nearest his last place of residence, at least twenty days before presenting such petition to the court, and paying the postage thereon. If such person is an infant, and resides in this state, service shall be made as aforesaid, upon his general guardian, if he has one, and on such infant personally, if over the age of fourteen years; if under that age, then upon the person who has the care of or with whom such infant resides. If the person to be served is an idiot or of unsound mind, and resides in this state, service may be made upon the committee of his person or

Service by
publication
etc.

Service upon
infants.

Upon idiots.
etc.

Service in
other cases.

estate; if he has no committee, then upon the person who has the care and charge of such person. In all cases not herein provided for, service of the petition, notice and other papers in the proceedings authorized by this act, shall be made as the supreme court in the fifth judicial district, or a judge thereof, shall direct.

Court may
appoint
Guardians,
for infants,
etc.

§ 7. In case any party to be affected by the proceedings hereby authorized is an infant, idiot, or person of unsound mind, and has no general guardian or committee, the court to which such petition shall be presented, shall, before taking any proceedings thereon, appoint a special guardian to attend to the interest of such person. If a general guardian or committee has been appointed for such person in this state, it shall be his duty to attend to the interest of such infant, idiot, or person of unsound mind in such proceeding. The court may require such security to be given by such general or special guardian or committee as it may deem necessary to protect the rights of such infant, idiot, or person of unsound mind. All notices required to be served in the progress of the proceedings, may be served on such guardian or committee. Any person may appear in such proceedings by attorney, and all papers shall be served at the place designated by him. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, and who has not appeared in the proceedings by an attorney or agent.

Duty of
guardians,
committees,
etc.

Rights of un-
known own-
ers, how
protected.

Proceedings,
etc.

§ 8. On presenting such petition to the supreme court, as aforesaid, with proof of service of a copy

thereof and notice aforesaid, any of the persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition, and may to that end disprove any of the facts alleged therein; the court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, residents of the State of New York, as commissioners to ascertain and determine the compensation which ought justly to be made to the owners or persons interested in the property so to be acquired, and shall fix the time and place for the first meeting of such commissioners. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any of them may issue subpoenas and administer oaths to witnesses. A majority of them may adjourn the proceedings from time to time in their discretion. They shall view the premises described in the petition, hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony is taken and closed in such proceedings, they, or a majority of them, all being present or having notice of the meeting to the end that they may be present, shall without unnecessary delay, ascertain and determine the compensation which ought justly to be made to either or any of the owners or persons interested in the property so sought to be acquired. They or a majority of them shall also determine what sum ought to be paid to the general or special guardian or com-

Appointment
of commis-
sioners of
appraisal.

Official,
powers, and
duties.

mittee of any infant, idiot, or person of unsound mind, or attorney appointed to attend to the interests of any unknown owner or party in interest not personally served with notice of the proceeding and who has not appeared, for his costs and expenses. They shall make a report of their proceedings to the supreme court, with the minutes of the testimony taken by them. The compensation to which they each shall be entitled, shall be fixed by the court, and such compensation, together with their necessary expenses, shall be paid by the Syracuse Water Board. When the owners or persons interested in the property sought to be acquired, shall have awarded to them an amount not exceeding the compensation offered by the board, the cost and expenses of such proceedings or any part thereof to be fixed by the court may be deducted from such award, and proof of the amount of compensation offered by the board may be made by affidavit to the court upon the application for the confirmation of the report of the appraisers, as hereinafter provided

Report of their proceedings.

Compensation.

Change of ownership.

§ 9. When any proceedings of appraisal under this act shall have been commenced, no change of ownership shall in any manner affect such proceedings.

Notice of application for confirmation of report.

§ 10. On such report being made by the commissioners, the board may give notice to the owners or parties interested, or their attorneys, according to the rules and practice of the supreme court, that application will be made to the court at a general or special term thereof to be held in the fifth judicial district, for the confirmation of such report, and the court shall

Action of court.

thereupon confirm the same, and shall make an order containing a recital of the substance of the proceedings, a description of the property appraised, and shall direct to whom the money shall be paid, or in what bank and in what manner it shall be deposited by the board.

§ 11. A certified copy of the order so made shall be recorded in the clerk's office of the county in which the property described is situated, and thereupon and on the payment or deposit by the board of the sums to be paid as compensation for the property, and for costs and expenses, as directed by the order, the board shall be entitled to enter upon, take possession of, and use the property for the purposes of the water works aforesaid; and all persons who have been made parties to the proceedings shall be divested of all right, estate, title and interest in or to the same. All property acquired pursuant to the provisions of this act shall be deemed to be acquired for public use, and the title thereto shall vest in the city of Syracuse. Within twenty days after the confirmation of the report, either party may appeal, by notice in writing to the others, to the supreme court, from the appraisal and report of the commissioners. Such appeal shall be heard by the supreme court at a special or general term thereof to be held in the fifth judicial district, on the usual notice required by the rules and practice of the court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners, in its discretion. The second report shall be final and conclusive on all parties interested. If the amount of

Order of court, how recorded.

Right to enter and use lands, etc.

Title how vested.

Appeals from report.

Proceedings upon appeal.

Second report of appraisers, to be final.

compensation to be made by the board is increased by the second report, the difference shall be paid by the board to the parties entitled thereto, or deposited in the bank as the court shall direct. If the amount is diminished, the difference shall be refunded to the board by the party to whom the same may have been paid, and judgment therefor may be rendered by the court on the filing of the second report, against the party liable to pay the same. No appeal shall affect the possession or right of possession or use by the board of the property so appraised, and when an appeal is taken by others than the board, it shall not be heard except upon stipulation of the party appealing not to disturb such possession.

Effect of
appeals.

§ 12. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the property taken, the court may direct the moneys to be paid into court, and may determine who is entitled to the same, and to whom the same shall be paid, in a summary manner, and may order a reference to ascertain the facts on which such determination and order shall be made.

Payment
of awards, in
certain cases.

§ 13. In case of appraisal under this act, the court shall have power to make all necessary orders and directions to carry into effect the object and intent of this act, and to compel the delivery to the board of the possession and control of all property or rights acquired thereby. The practice in such cases shall conform as nearly as may be to the ordinary practice of said court.

Appraisals,
power of
court to give
effect to.

§ 14. When the mode or manner of conducting any proceedings for the appraisal of property sought to be taken, and the proceedings consequent thereon, are not expressly provided for in this act, the court before whom such proceedings are pending shall have power to make all necessary orders to that end. And the court shall also have power at any time to amend any defect or informality in any of the proceedings authorized by this act, or to cause new parties to be added and other notices to be given to any party in interest as it may deem proper, and shall also have power to appoint commissioners in place of any who shall die, refuse or neglect to serve, or be incapable of serving.

Further powers of court.

§ 15. The Syracuse Water Board shall have power to make all contracts necessary or incidental to the execution of the powers conferred by this act, but no contract or agreement requiring an expenditure of more than five hundred dollars shall be entered into, except for the employment of officers, agents and other employees of the board, without first advertising at least twice a week for two successive weeks in two or more of the daily newspapers published in the city of Syracuse, for proposals to enter into contract for the work or materials required; and all such contracts shall be let to the lowest bidder who shall furnish such security for faithful performance as shall be approved by the board; but the board may reject such bids in its discretion and re-advertise for proposals. A copy of each proposal received and of every contract entered into by the board, shall be filed with the city clerk.

Water board may enter into contract.

Proposals to be advertised.

Contracts to be let.

Right to reject bids.

Contract how filed.

Board not to
be interested
in contracts.

§ 16. No member of the board, or any of its officers, or any officer of the city of Syracuse, shall be directly or indirectly interested in any contract relating to the work done for or materials furnished to the board, as such; and any violation of this provision shall be a misdemeanor. No member of the board shall receive any compensation for his services as such.

Use of public
streets, etc.

§ 17. The Syracuse Water Board, and all persons acting under its authority and direction, shall have the right to enter, appropriate, occupy and use any public street, highway, square, avenue, road or other public ground for the purpose of constructing, maintaining and operating water works for supplying the city of Syracuse with water, and for all the other purposes of this act; but the board shall in all cases, restore such public street, highway, square, avenue, road and other public ground to its former state of usefulness.

Proviso.

Board may
take water
from
Skaneateles
lake.

§ 18.* The Syracuse Water Board is hereby authorized, under the restrictions and conditions hereinafter mentioned to take and conduct water not required for the Erie canal, from Skaneateles lake, to said city, through a pipe or main not exceeding thirty inches in diameter, for the purpose of supplying said city and its inhabitants with water. Before any water shall be so taken, however, the water board shall, at the cost and expense of said city, increase the storage capacity of said lake sufficiently to store therein all the ordinary flow of its water shed; the fact of such necessary re-

Increase of
storage
capacity of
lake.

*As amended by chap. 314 of Laws of 1890.

construction having been made shall be certified by the
 state engineer and surveyor and superintendent of
 public works and filed in the office of superintendent
 of public works. All the work authorized by this <sup>Work, how
executed.</sup>
 section, including the placing and maintenance of said
 pipe, shall be executed under the direction, supervision
 and control of the superintendent of public works,
 and in accordance with the plans and specifications
 therefor to be prepared or approved by the state engi-
 neer and surveyor. The dam and all structures con- ^{Dam, etc.}
 nected therewith, together with the regulation at all
 times of the flow of water from said lake into the afore-
 said pipe, shall be and continue in the exclusive charge
 and control of the superintendent of public works, and
 shall be maintained and kept in repair by or under the
 direction of said superintendent, at the cost and ex-
 pense of the city of Syracuse. This section shall be
 construed to vest in the state engineer and surveyor
 the power to prescribe the plan of construction and
 location of the gate-house or other means for delivering <sup>Location of
gate house.</sup>
 the water of said lake into said pipe; and if for any
 reason the flow of water into said pipe shall prevent the
 State from having a sufficient quantity for all the uses
 of the Erie canal, the said superintendent of public <sup>Flow of water
may be
stopped.</sup>
 works is authorized and required to stop the flow of
 water into said pipe in whole or in part so far as may
 be necessary in his judgment to secure such sufficient
 quantity; it being understood that the rights of the city ^{Rights of city.}
 of Syracuse hereby conferred in and to such surplus
 waters, are to be subject always to the superior claims

Extinguish-
ment of water
rights.

State to be
saved harm-
less.

Powers of city
to acquire
property, etc.

Maps, etc., to
be taken and
filed.

Amended
map.

of the State thereto. Before any water shall be taken from Skaneateles lake under the provisions of this act, the city of Syracuse shall acquire or extinguish all water-power rights upon the outlet of said lake to be affected by the proposed storage of water. The city of Syracuse shall at all times protect and save harmless the State of New York from and against all claims and demands of riparian owners upon said lake and outlet for loss or damage occasioned by any act or structure authorized hereby. The powers granted to the Syracuse Water Board to acquire property under this act, and to make payment therefor, shall be deemed to include full power and authority to do and perform all acts and things necessary or proper to enable said city to acquire, store and obtain water from Skaneateles lake in accordance with the provisions of this section.

§ 19. It shall be the duty of the Syracuse Water Board, as soon as practicable, to make a map and profile showing the proposed location of the conduit line, and all lands, waters, inlets, reservoirs, stations and other structures to be used for or in connection with the system of water works herein provided for, which shall embrace a full and complete system of conduits, mains and pipes for the distribution of water throughout all parts of the city, and the location of all hydrants, fountains, standpipes, and other structures for the use of the city. Copies of this map and profile, duly certified by the president and engineer of the board, shall be filed in the office of the clerk of the city, and in the office of the clerk of the county of Onondaga. If at

any time the board shall change the plan shown upon said map and profile, an amended map shall be made and duly certified and filed as aforesaid.

§ 20.* Whenever the Syracuse Water Board shall consider it necessary that any bonds of the city of Syracuse shall be issued for the purpose of this act, it shall certify to the mayor and common council of the city the amount so desired and the purpose or purposes for which required; whereupon it shall be the duty of the mayor and common council, by resolution, to cause bonds for the amount so certified to be issued in the name and upon the credit of the city of Syracuse, which shall be executed by the mayor under the corporate seal of the city, and countersigned by the city clerk. Provided, however, that the aggregate amount of bonds issued under the provisions of this act shall not in any event exceed the sum of three million dollars. All such bonds shall be payable on the first day of July, nineteen hundred and twenty. Such bonds shall bear interest at a rate to be determined by the water board, not exceeding four per centum per annum, payable semi-annually, and may be either registered or coupon bonds or both, and of such denominations and payable at such place or places as the common council may direct by resolution. Upon the passage of any resolution authorizing an issue of such bonds, the city treasurer shall properly advertise for proposals for the purchase of such bonds, and shall sell them to the party or parties offering to pay the

Requisition for issue of bonds.

Issue thereof.

When payable

Interest.

Proposals for purchase of bonds.

*As amended by chap. 27 of the Laws of 1892.

Acceptance thereof. highest price therefor but not less than par. Upon the acceptance of any proposal for the purchase of such bonds the city treasurer shall immediately deposit the same with a bank or trust company designated by resolution of the common council, with a statement of the terms of sale. Upon payment, in accordance with such terms, said bank or trust company shall deliver such bonds, duly countersigned by it, to the purchaser. Thereupon such bonds shall become valid obligations of the city of Syracuse, and the faith and credit of the city is hereby pledged for the payment thereof and the interest thereon. The payment so received and all interest which may accrue thereon shall be placed by the said bank or trust company to the credit of the city of Syracuse water fund. No part of such moneys shall be paid out, except upon the written order of the Syracuse Water Board, signed by the president thereof, and countersigned by the city treasurer. No order for the payment of such moneys shall be issued except upon the resolution of the board, duly entered upon its minutes, a certified copy whereof shall be filed with the city treasurer. The voucher or other paper on account of which such order is issued shall be filed with the secretary of the board, and shall bear a number corresponding with the number of the order issued thereon; the board may, however, at any time, by resolution and order issued in the manner aforesaid, transfer any funds from any bank or trust company to any other bank, or banks or trust company which shall have been approved by the common council as depositories of the funds of the Syracuse Water Board.

Delivery to purchaser.

Water fund.

Payments therefrom.

Transfer of funds.

The funds so transferred, and all interest accruing thereon, shall be held and paid out by such bank or banks or trust company only in the manner above provided. The amount of moneys on deposit at any time with any such bank or banks or trust company shall not exceed thirty per cent of the full paid capital stock and surplus of any such bank or banks or trust company. Upon the passage of any resolution authorizing the issue of bonds under this act, the city clerk shall forthwith transmit a certified copy thereof to the secretary of the water board. Upon the sale of any such bonds, the city treasurer shall forthwith transmit to the secretary of the water board a statement showing the amount of bonds sold and the amount realized thereon, and shall also furnish to the city clerk a detailed statement showing the date, number and denomination of each bond sold, the price realized, the name of the purchaser, and the expenses of such sale.

Deposits with
banks, etc.,
restricted.

Duties of city
clerk and
treasurer.

§ 21. The proceeds of all bonds issued under the provisions of this act shall be used and applied by the Syracuse Water Board solely for the acquisition and construction of the system of water works herein provided for, and for the purpose of acquiring property, rights, privileges and franchises therefor or to be used in connection therewith, and for providing a compensating water supply for the Erie canal as specified in section eighteen of this act, and in no case for the operation or management of the water works or for any other purpose whatsoever.

Proceeds from
sale of bonds.

Water rates,
how fixed.

§ 22. The Syracuse Water Board shall from time to time fix and determine the water rates to be paid by all consumers of water, including a just annual rate to be paid by the city at large on account of the use of water for municipal purposes. All moneys and income which shall be received by the board for water or on account of said system of water works shall be deposited to the credit of the "city of Syracuse water fund" in the bank or banks or trust company designated by resolution of the common council, and shall be paid out only as provided by section twenty of this act.

Collections for
water and
income, how
applied.

§ 23. All moneys collected by the board for water, and any and all other income which it may receive for or on account of said system of water works, or from other property, rights, privileges or franchises connected therewith, shall be devoted, first to the payment of the necessary cost of the operation, management and maintenance of works; second, to the payment of all sums of interest when and as the same shall become due and payable, upon any bonds issued under the provisions of this act; third, to the payment of the cost of necessary extensions and additions. After all such obligations shall have been paid and discharged if there shall remain any surplus of income it shall be applied to the purchase or payment of the bonds issued pursuant to the provisions of this act, and any bonds so purchased or paid shall be marked cancelled by the Syracuse Water Board, and shall be delivered to the treasurer of the city.

Surplus, how
applied.

Incurring
obligations.

§ 24. No obligation shall be incurred or money expended, or issue of bonds demanded under this act, by

the Syracuse Water Board, except by resolution duly passed by a majority of the members of the board. In every case the vote shall be taken by yeas and nays, and every such resolution and the vote thereon shall be recorded in full in the minutes of the board.

§ 25. Any and all actions and proceedings authorized by this act shall be brought, taken and instituted by the Syracuse Water Board in the name of the city of Syracuse; and all actions, suits or other legal proceedings brought, instituted or commenced by any person or corporation, on account of any act or thing done or omitted by said board, shall be brought, instituted and commenced against the city of Syracuse, in its name, and shall be defended by it under the direction of the board; and all such claims and demands may be compromised and paid by said board, and any final judgment recovered thereon shall be satisfied by it. Such payments to be made only in the manner hereinbefore provided. No commissioner appointed under this act shall be personally liable for any act done in the performance of his official duty.

Actions, how brought by water board

No personal liability by commissioners

§ 26. The books, record, vouchers, contracts and all other papers kept by the Syracuse Water Board, or in their possession or under their control shall at all reasonable times be subject to inspection by any officer or duly authorized agent of the city of Syracuse. The board shall on or before the first day of August in each year, and at such other times as the mayor and common council may require, prepare and deliver to the mayor and common council reports which shall show full and

Records of board open to inspection.

Report to council.

in detail the situation and condition of the board, its receipts from all sources and its disbursements during the year and any and all obligations which it has incurred and claims made against it and remaining unpaid, the amount of work done by it and the condition of such work, and shall furnish at all times such other or further information as to the business and affairs of the board as may be required by the mayor and common council.

"Water works record," how kept by city clerk.

§ 27. The city clerk of the city of Syracuse is hereby authorized and directed to prepare and at all times keep a book, which shall be known and designated as "water works record," in which shall be recorded at length, in regular order and properly indexed, all resolutions passed by the common council and all papers and instruments made, executed, received or delivered by said city, and all other acts and things done by said city or by said clerk pursuant to the provisions of this act. The treasurer of the city of Syracuse is hereby authorized and directed to prepare and at all times keep a book, which shall be known and designated as "water works record," in which shall be recorded at length and properly indexed all resolutions, instruments and other papers sent or received by him and all acts and things required to be done by said treasurer under the provisions of this act.

Record to be kept by city treasurer.

By-laws, etc., of board.

§ 28. The Syracuse Water Board shall have power to make such ordinances, by-law, rules and regulations as they may deem proper in the establishment, maintenance and control of the system of water works provided for in this act, and for the general conduct of its busi-

ness, and the exercise of any of the powers hereby conferred or intended to be, and shall have power to enforce the same as provided by law.

§ 29. On the first Tuesday of June next a special election shall be held in the city of Syracuse, at which the voters in said city qualified to vote and registered as voters at the last preceding general election may vote a written or printed ballot in either one of the following forms: "In favor of city ownership and control of the water supply," or "against city ownership and control of the water supply." The inspectors of such election shall be the persons who were elected at the last preceding charter election, and the polling places the same unless otherwise prescribed by said common council. Said inspectors shall on the day or evening of such election, and without adjournment, count and certify the number of affirmative and negative votes in the several election districts and file such certificates within twenty-four hours thereafter in the office of the clerk of Onondaga county, who shall thereupon and within twenty-four hours after the filing of such certificates, ascertain the whole number of affirmative and negative votes given at said election, and a written statement and declaration thereof shall be recorded by him in the book or books in which other election canvasses are recorded. Except as herein provided, all general laws regulating elections in cities, shall be deemed applicable to the said election. The inspectors of election aforesaid shall sit as a board of registration in each of the election districts of said city, on Friday

Special city election.

Form of ballots.

Inspectors, their duties.

Certificate of result, how filed.

Laws applicable to election.

Registration.

preceding such special election from nine o'clock in the morning until six o'clock in the evening of said day, and also on Saturday prior to such election from nine o'clock in the morning until nine o'clock in the evening of said day, and at such sittings shall proceed to make lists of persons entitled to vote at such election. As a basis for such lists they shall first copy the poll lists of those who voted at the last general election held in said city. Except as herein otherwise provided, all the provisions of law relating to the registration of voters at general and municipal elections shall, so far as the same are applicable, apply to the said election required to be held under this act.

Laws
applicable
thereto.

Ballots, how
distributed.

§ 30. The city clerk of the city of Syracuse shall cause to be printed at least fifty thousand of each of said ballots, which shall be distributed to the inspectors of the several election districts of said city for use at said election proportionate to the vote of said ward at the general elections next preceding such special election at least three days prior to the day of the election herein provided for, and it shall be the duty of said inspectors to have at least half of each kind of the said ballots so furnished them at the polls at such election for distribution on election day.

City clerk to
publish and
post notice of
election.

§ 31. The city clerk of the city of Syracuse shall cause a proper notice of said election herein provided for to be published once a day for at least one week prior to said election in each of the daily papers published in said city and shall also cause three copies of

said notice to be posted in conspicuous places in each election district of said city, at least one week prior to said election.

§ 32. This act shall take effect immediately ; but none <sup>Act, when to
take effect.</sup> of the powers herein given to the said board of water commissioners or to the said mayor and common council, except as to the special election herein provided for, shall be exercised by them or either of them until or unless a majority of all the votes to be given at the election herein provided for shall be in favor of city ownership and control of the water supply.

BOARD OF PLUMBERS AND PLUMBING.

LAW TO SECURE THE REGISTRATION OF PLUMBERS AND THE SUPERVISION OF PLUMBING AND DRAINAGE IN THE CITIES OF THE STATE OF NEW YORK, BEING CHAPTER 602 OF THE LAWS OF 1892, AS AMENDED BY CHAPTERS 66 AND 162 OF THE LAWS OF 1893.

Appointment
of examining
board by
mayors.

SECTION 1. Within ninety days after the passage of this act it shall be the duty of the mayor of each of the cities of this State to appoint a board for the examination of plumbers for such city where such board shall act, to be known as the "examining and supervising board of plumbers and plumbing," excepting in the cities of New York, Brooklyn and Albany, where it shall be known as the "examining board of plumbers." Such board shall consist of five persons, of whom two shall be employing or master plumbers of not less than ten years' experience in the business of plumbing, and one shall be a journeyman plumber of like experience, and the other members of said board shall be the chief inspector of plumbing and drainage of the board of health of such city and the chief engineer having charge of sewers of said city, but in the event of there being no such officers in such city, then any two other officers having charge or supervision of the plumbing drainage or sewerage, whom the mayor shall designate or appoint, or two members of the board of health of such city having like duties or acting in like capacities, The term of office of the master and journeymen plumbers first appointed under the provisions of this act shall

Terms of
office.

be as follows: One shall be appointed for one year, one for two years and one for three years, their terms of office to expire respectively one, two and three years from and after the thirty-first day of December, of the year in which such appointments shall be made and the mayor in making the first appointments shall for each one so appointed specify the duration of the term of office to which he makes said appointments respectively and annually thereafter upon the expiration of the term of office of any such member of the board his successor shall be appointed by the mayor for the term of three years, or until a successor shall be appointed, and the mayor shall have power to fill any vacancy caused in such board of examiners by the death, removal, inability to act, resignation or removal from the city of any member thereof, and such appointment shall be for the unexpired term. Such chief inspector of plumbing and drainage, and such chief engineer in charge of sewers or the officers holding equivalent positions or acting in like capacities designated or appointed by the mayor as herein provided, shall be deemed to be also ex-officio members of such examining board, and when they shall cease to hold the offices by reason or on account of which they were so designated or appointed, their successors shall act on the examining board in their stead.

Vacancies
how filled.

Ex-officio
members of
board.

§ 2. It shall be the duty of such ex-officio members of the board of examiners to discharge their duties as members of this board without compensation therefor. The master and journeymen plumbers serving as members of such board shall severally be paid at the rate of

Compensation
of members
of board.

five dollars per day for each day's services when actually engaged in the performance of the duties pertaining to the office, but such compensation shall not exceed the sum of five dollars per month in cities of one hundred thousand inhabitants or less, nor the sum of ten dollars per month in cities having a population of over one hundred thousand and less than three hundred thousand, nor a sum of twenty dollars per month in cities having a population of over five hundred thousand.

Qualifications. § 3. All the members of such board shall be citizens and actual residents of the cities in which they are appointed.

Powers and duties. § 4. The several boards of examiners constituted under this act shall have power and it shall be their duty :

Meetings. 1. MEETINGS.—To meet at stated intervals in their respective cities ; they shall also meet whenever the board of health of such city, or the mayor thereof shall in writing request them so to do.

Examinations. 2. EXAMINATIONS.—To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing plumbers in the city in which such board shall be appointed, with the power of examining all persons

Certificates of competency. applying for certificates of competency as such employing or master plumbers or as inspectors of plumbing, to determine their fitness and qualifications for conducting the business of master plumbers or to act as inspectors of plumbing, and to issue certificates of competency to

all such persons who shall have submitted to and passed a satisfactory examination before such board and shall be by it determined to be qualified for conducting the business as employing or master plumbers or competent to act as inspectors of plumbing.

3. PLUMBING CODE.—To formulate, in conjunction ^{Plumbing code.} with the local board of health of the city in which it shall act, except in New York, Brooklyn and Albany, a code of rules regulating the work of plumbing and drainage in such city, including the materials, workmanship and manner of executing such work, and from time to time to add to, amend or alter the same.

4. FEES.*—To charge and collect from each person ^{Examination fees.} applying for examination the sum of five dollars for each examination made by said board and all moneys so collected shall be paid over by the board monthly to the chamberlain or treasurer of such city in which said board shall be appointed. And until such time as the board of estimate of the city of Brooklyn and county of ^{City of Brooklyn.} Kings shall provide in the annual tax levy a sufficient ^{Tax levy.} sum to meet the expenditures incurred under the provisions of this act, as provided in section twelve, the compensation of the members of the board of examiners ^{Compensation of members.} in the city of Brooklyn, as fixed by section two, shall be paid by the city treasurer, upon vouchers certified by the members of the board and approved by the mayor, out of any moneys collected for the examinations provided by this act, and paid over to the city treasurer of Brooklyn by the said board.

*As amended by chap. 162 of the Laws of 1893

Examinations
as to qualifica-
tions.

§ 5.* Any person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing, in any of the cities of this State as employing or master plumber shall be required to submit to an examination before such board of examiners as to his experience and qualifications in such trade, business or calling; and after the first day of September, eighteen hundred and ninety-three, it shall not be lawful in any city of this State for any person to conduct such trade, business or calling unless he shall have first obtained a certificate of competency from such board of the city in which he conducts, or proposes to conduct, such business.

Conducting
business
without certi-
ficate pro-
hibited.

Registration
with board of
health.

§ 6.* On or before the first day of September, eighteen hundred and ninety-three, every employing or master plumber carrying on his trade, business or calling in any of the cities of this State shall register his name and address at the office of the board of health of the city in which he shall conduct such business under such rules and regulations as the respective boards of health of each of the cities of this State shall respectively prescribe, and thereupon he shall be entitled to receive a certificate of such registration, provided, however, that such employing or master plumber shall, at the time of applying for registration, hold a certificate of competency from an examining board; but such registration may be cancelled by such board of health for a violation of the rules and regulations for the

Certificate
thereof.

Cancellation
of registration.

*As amended by chap. 66 of the Laws of 1893.

plumbing and* drainage of such city duly adopted and in force therein, after a hearing had before said board of health, and upon a prior notice of not less than ten days, stating the grounds of complaint and served upon the person charged with the violation of the aforesaid rules and regulations; but such revocation shall not be operative, unless concurred in by a majority of the local board of examiners.

And after the first day of September, eighteen hundred and ninety-three, it shall not be lawful for any person to engage in, or carry on the trade, business or calling of an employing or master plumber in any of the cities of this State unless his name and address shall have been registered as above provided.

Conducting
business with-
out registra-
tion pro-
hibited.

§ 7. Within sixty days after the organization of such examining board in any of the cities of this State the local board of health, or the commissioner or the commissioners of the board of health or the health department thereof, as the case may be, shall detail, designate, or appoint for the purposes of this act and the enforcement of the provisions thereof and the work of inspecting the plumbing and drainage of buildings, in said city, an inspector or inspectors of plumbing, subject, however, to the provisions or limitations of existing laws regulating the appointment of inspectors by such commissioner or commissioners, or board or department of health of such city. But all inspectors of plumbing so detailed, designated or appointed, and all

Inspectors of
plumbing.

Qualifications.

*So in the original.

Compen-
sation.

inspectors of plumbing hereafter appointed, except in New York, Brooklyn and Albany, shall be practical plumbers not engaged directly or indirectly in the business of plumbing during the period of their appointment, and they shall be citizens and actual residents of the city in which they are appointed, and before entering upon the discharge of their duties as such inspectors each shall be required to obtain a certificate of competency from said examining board. They shall be entitled to receive compensation not exceeding five dollars per day for each day of actual service, to be fixed by the board, commissioner or department making such appointment.

Duties of
inspectors.

§ 8. The duties of the inspector or inspectors of plumbing appointed under the provisions of this act, in addition to the duties prescribed by law, and those which may be enjoined or required by the commissioner of health, the board of health or the health department of the city in which they shall be appointed, shall be, to inspect the construction and alteration of all plumbing work performed in such city subsequent to the passage of this act, and to report in writing the results of such inspection to the said commissioner of health, or the board of health, or the health department of their respective cities; they shall also report in like manner, any person engaged in, or carrying on the business of employing plumber without having the certificates hereinbefore mentioned.

Reports.

Expirations
and renewals
of certificates
and licenses.

§ 9. All certificates of registration issued under the provisions of this act and all licenses authorizing con-

nection with street sewers or water mains shall expire on the thirty-first day of December of the year in which they shall be issued, and may be renewed within thirty days preceding such expiration, such renewals to be for one year from the first day of January in each year.

§ 10. Whenever any inspector or other person reports a violation of any of said rules and regulations for plumbing and drainage, or a deviation from any officially approved plans or specifications for plumbing and drainage filed with any board or department, the local board of health shall first serve a notice of violation thereof upon the master plumber doing the work, if a registered plumber. Such notice may be served personally or by mail, and if by mail it may be addressed to such master plumber at the address registered by him with local health board ; but the failure of a master plumber to register will relieve any board of health from the requirement of giving notice of violation. Unless the violation is removed within three days after the date of serving or mailing such notice, exclusive of the day of mailing or serving, the board of health may proceed according to law.

Notice of violations of rules.

How served.

Proceedings when violations not removed.

§ 11. From and after the first day of March, eighteen hundred and ninety-three, the plumbing and drainage of all buildings, both public and private in each of the cities of this State shall be executed in accordance with the rules and regulations adopted by the local board of examiners in conjunction with the board of health for plumbing and drainage; and all repairs and altera-

Plumbing and drainage to be executed in accordance with rules.

Proviso.

tions in the plumbing and drainage of all buildings heretofore constructed shall also be executed in accordance with such rules and regulations except in New York, Brooklyn and Albany where the board of health shall have control, but this section shall not be construed to repeal any existing provision of law requiring plans for the plumbing and drainage of new buildings to be filed with any local board of health and to be previously approved in writing by said board of health, and to be executed in accordance therewith, except that in case of any conflict between such plans and the rules and regulations of the board of examiners, the latter shall govern.

Rooms and
office expenses
of board.

§ 12.* Each of such boards of examiners shall have power to procure suitable quarters for the transaction of business, to provide the necessary books and stationery and to employ a clerk to keep such books and record the transactions of such board. The board of estimate and apportionment of the city of New York, the board of estimate of the city of Brooklyn and county of Kings, and the common council of all other cities, shall annually insert in their tax levy a sufficient sum to meet the expenditures incurred under the provisions of this act; and all expenses incurred by the several boards of examiners in the execution and performance of the duties imposed by this act shall be a charge on the respective cities, and shall be audited, levied, collected and paid in the same manner as other city charges are audited, levied, collected and paid.

Tax for
expenditures.

*As amended by chap. 162 of the Laws of 1893.

* § 13. Any person violating any of the provisions of this act or any rules and regulations of the board of health, or of the board of examiners in any city regulating plumbing and drainage of buildings of such city, shall be deemed guilty of a misdemeanor, and, upon conviction, if a master plumber, shall, in addition, forfeit any certificate of competency or registration, which he may hold under the provisions thereof.

§ 14. After the passage of this act the commissioner of public works of any city, or the officer or officers acting in a like capacity in any of the cities of this State, and having charge of the sewers and water mains, shall not issue a license to anyone to connect with the sewers or with the water mains of such cities unless such person has obtained and shall produce a certificate of competency from the examining board of such city hereby created.

§ 15. All acts or parts inconsistent with or repugnant to the provisions of this act are hereby repealed.

§ 16. This act shall take effect immediately.

CEMETERY NINTH WARD.

LAW TO PROVIDE FOR THE CARE, CONTROL AND MANAGEMENT OF THE CEMETERY IN THE NINTH WARD OF THE CITY OF SYRACUSE, BEING CHAPTER 457 OF THE LAWS OF 1890.

Care and control of cemetery.

SECTION 1. The cemetery situated on farm lot number one hundred and sixty-seven, in that part of the late town of Geddes, annexed to the city of Syracuse by chapter three hundred and ninety-seven of the laws of eighteen hundred and eighty-six, and now a part of the ninth ward of said city, shall be under the care, control and management of five trustees, who shall be residents and freeholders of the ninth or tenth wards of the city of Syracuse.

Trustees, appointed and terms of.

§ 2. Within ten days after the passage of this act the mayor of the city of Syracuse shall appoint a board of trustees to be known as "the board of trustees of the ninth ward cemetery," which shall consist at all times of five members. The first five trustees shall respectively hold office until the first day of March eighteen hundred and ninety-two, eighteen hundred and ninety-four, eighteen hundred and ninety-six, eighteen hundred and ninety-eight, nineteen hundred. When appointed their respective terms of office shall be designated. The terms of all other trustees appointed under this act (except to fill vacancies) shall be for ten years, and they shall be appointed by the mayor of said city within ten days prior to the expiration of the term of any trustee they are appointed to succeed.

§ 3. In case any vacancy shall occur in the office of ^{Vacancies.} trustees of the said cemetery by death or otherwise, said vacancies shall be filled by appointment by the mayor of said city for the remainder of the term for which said vacancies shall occur.

§ 4. The said mayor shall file the appointment of said ^{Appointments} trustees with the clerk of said city. Within ten days ^{filed.} after their appointment the said board shall organize by ^{Organization.} the election of one of their number as president and another as secretary, and shall then have and possess all the rights and powers that the common council now ^{Rights and} have in relation to said cemetery, and shall have the ^{powers.} entire care, control and management of said cemetery.

§ 5. Within ten days after the organization of said ^{Transfer of} board of trustees, the former trustees of said cemetery ^{funds.} shall pay over to said "board of trustees," all moneys in their hands from the sale of lots in said cemetery, and known as the cemetery fund, and thereafter said ^{Powers of} board of trustees shall have the control of said funds ^{Board.} and all moneys that may be received thereafter from the sale of lots therein, and shall have full power and authority to, and shall expend on said cemetery, in the building of a receiving vault therein, in improving the roads therein, and in such other improvements as to them shall seem necessary.

§ 6. The said board of trustees may adopt such by- ^{By-laws, etc.} laws, rules and regulations as they may deem necessary.

§ 7. This act shall take effect immediately.

POLICE PENSION FUND.

LAW TO PROVIDE FOR A POLICE PENSION FUND FOR THE SYRACUSE POLICE FORCE, BEING CHAPTER 509 OF THE LAWS OF 1892.

Police pension
fund, how
constituted.

SECTION 1. The right to provide and maintain a fund to be known as the police pension fund, is hereby authorized and granted to the police force of the city of Syracuse, to be managed as hereinafter provided, and shall consist of :

Of relief fund.

First. The fund known as the police relief fund and all interests belonging thereto, now in the hands of the treasurer of the city of Syracuse, and of

Forfeitures.

Second. All forfeitures of fines imposed by the board of police commissioners, from time to time, upon or against any member or members of the police force ; and of

Rewards,
gifts, etc.

Third. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police on account of police services, except such as shall be allowed by the board of police commissioners to be retained by said board ; and of

Lost, etc.,
money and
property.

Fourth. All lost, abandoned, unclaimed or stolen money remaining in the possession of the clerk of the police board, for the space of one year, and for which there shall be no lawful claimants, and all moneys arising from the sale, by the said property clerk, of unclaimed, abandoned, lost, or stolen property ; and of

Fifth. All moneys, pay, compensation or salary or Deductions from pay.
 any part thereof, deducted or withheld from any member or members of the police force for or on account of absence, for any cause, lost or sick time, sickness or other disability, physical or mental; and of

Sixth All moneys received or derived from the Receipts from pistol permits.
 granting or issuing of permits to carry pistols in said city, and the chief of police is hereby authorized to issue permits for such purpose, in proper cases, upon receiving from the applicant for such permit the sum of two dollars and fifty cents, but no permit shall continue in force for more than one year; and of

Seventh. Such sum per month to be paid by each Contributions.
 member of the police force as shall be agreed upon by the members; and of

Eighth. All fees received by the chief of police, cap- Bail fees.
 tains or roundsmen for perfecting and accepting bail bonds.

§ 2. The police commissioners of said city are hereby Trustees and treasurer of fund.
 made a board of trustees of said pension fund, and they shall, from time to time, appoint one of their number as treasurer of said fund, but before entering upon his duties he shall execute and deliver to the said board of trustees a bond in the penal sum of ten thousand dollars to be approved by the mayor of said city and conditioned for the faithful discharge of his duties, and that he shall pay over and account for all moneys and property which shall come into his hands as such treasurer.

Powers and
duties of
trustees.

Such board of trustees shall have charge of and administer said fund, and from time to time invest the same, or any part thereof as they shall deem most beneficial to said fund, and are empowered to make all necessary contracts and take all necessary and proper action and proceedings in the premises, and to make payments from said fund of pensions granted in pursuance of this

Annual report.

chapter. They shall report in detail to the board of aldermen annually in the month of January, the condition of the police pension fund, and the items of their receipts and disbursements on account of the same.

Payments
from fund
restricted.

No payments whatever shall be made or allowed by said board of trustees from said fund as reward, gratuity or compensation to any persons for salary or services rendered to or for said board of trustees except payment of necessary legal expenses.

Clerk to have
custody of
lost, stolen,
etc., property
and money.

§ 3. The clerk of the police department, shall take charge of all property alleged to be stolen or embezzled and which may be brought to the police office, and all property taken from the person of a prisoner; and all property or money alleged or supposed to have been feloniously obtained or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police force or criminal court in said city, or which shall come into the custody of any police justice or officer, shall be given by such justice or officer or by order of said court into the custody of and kept by said clerk. All such property and money shall be particularly described and registered by said clerk in a book kept for that purpose, which shall contain the

Record
thereof.

name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereto, and any final disposition in such property or money. The said Duties and salary of clerk. commissioners may prescribe regulations in regard to the duties and salary of said clerk and require and take security for the faithful performance of the duties required by this act.

§ 4. The property so delivered to said clerk, and all Sale of un- such property, securities, money, things or choses in claimed property, etc. action that shall remain in his custody for the period of six months without any lawful claimant thereto, after having been advertised in two of the daily papers of said city for ten days, may be sold at public auction, in a suitable room to be designated for such purpose, and the proceeds of such sale shall be paid into the Proceeds. police pension fund

§ 5. The board of police commissioners shall have Powers of board to grant pensions. power, in its discretion, by the unanimous vote of a full board, to retire and dismiss from membership in the said police force, and thereupon grant pensions as hereinafter provided, to any member of said force who shall have become disabled physically or mentally, or superannuated by age so as to be unfit for police duty, and by a majority of the board, to widows and orphans of such members, to be paid from the police pension fund by the board of trustees thereof, as follows :

To widows,
etc.

1. To the widow of any member of the police force who shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received while in the discharge of such duty, or who has died or who shall hereafter die after ten years of service in the police force of said city, or who shall have been retired upon a pension under section six of this act; if there be no child or children under eighteen years of age of such member, the sum of not exceeding three hundred dollars per annum; but if there be any such child or children of such member under the age aforesaid, then the said sum may be divided between such widow, child or children in such proportions and in such manner as the said board may direct.

Division between widow and children.

To minor children.

2. To any child or children under eighteen years of age of such member killed or dying as aforesaid or pensioner as aforesaid, but leaving no widow, or if a widow, then after her death to such child or children yet under eighteen years of age, a sum not exceeding three hundred dollars per annum.

To permanently disabled police.

3. To any such member of the police force, who, while in the actual performance of duty, and by reason of the performance of such duty, without fault and misconduct on his part, shall become permanently disabled, physically or mentally, so as to be unfit to perform full police duty, a sum not to exceed one-half, nor less than one-quarter of his rate of compensation per annum.

To superannuated police after service.

4. To any member of the said police force who shall, after ten years, and less than twenty years' member-

ship, become superannuated by age, permanently insane or mentally incapacitated, or disabled physically or mentally so as to be unfitted or unable to perform full police duty, by reason of such disability or disease contracted without misconduct on his part, a sum not less than three hundred dollars, nor exceeding six hundred dollars per annum.

§ 6. Any member of the police force who has, or shall have performed duty therein for a period of twenty years or upwards upon his own application in writing, or upon a certificate of the police surgeon showing that such member is permanently disabled, physically or mentally, so as to be unfit for duty, shall, by resolution unanimously adopted by a full board, be retired and dismissed from said force and service, and placed on the roll of the police pension fund, and awarded and granted, to be paid from said pension fund, an annual pension during his lifetime, of a sum of not less than one-half the full salary or compensation of such member so retired provided, that no pension granted under the provisions of this act shall exceed the sum of one thousand dollars per annum. Pensions granted under this act shall be for the natural life of the pensioner, and shall not be revoked, repealed or diminished.

§ 7. Pensions to widows shall terminate when the widow shall re-marry, and pensions to children shall terminate whenever the children shall respectively marry or arrive at the age of eighteen years. The board of police commissioners may, in its discretion, order any pension granted, or any part thereof, to cease

Retirement
of police and
annual pen-
sion there-
upon.

Pensions to
widows or
children,
when to
terminate.

Pensions may
be ordered to
cease, etc.

or to be diminished except those pensions granted under section six of this act; but in all such cases the said board shall file with the trustees of the police pension fund a written statement of the causes which determined them, and in ordering any pension so to cease or be diminished, and nothing herein, or in any other act contained, shall render the granting of any pension obligatory on the board of police or chargeable as a matter of right upon said police pension fund except as herein provided. And no member shall be retired upon pension or be pensioned, nor shall any pension be awarded, granted or paid, except as provided in this act, any other law to the contrary, notwithstanding. The said board of police commissioners is authorized and empowered to make and adopt all such rules, orders and regulations as are, or may be, necessary to carry out and enforce the provisions of this act.

Proviso as to
granting
pensions.

Rules, etc.

Police may
take bail.

Fees.

§ 8. The chief of police, any captain or roundsman, may take bail for appearance before a competent magistrate the next morning from any person arrested for a misdemeanor: and the chief of police, captains or roundsmen, at the time of accepting bail, may demand from the defendant one dollar for perfecting the bail bond. Said dollar and all fees for perfecting bail bonds shall be deposited to the credit of the police pension fund.

§ 9. This act shall take effect immediately.

ORDINANCES

OF THE

CITY OF SYRACUSE, N. Y.

WHEREAS, it is expedient that the general ordinances of the city should be consolidated and arranged in appropriate chapters and sections, and conformed to the Revised Charter of the city of Syracuse; that omissions should be supplied and defects amended; and that the whole should be rendered plain, concise and intelligible; therefore,

Be it ordained by the common council of the city of Syracuse, as follows: All ordinances of the city in force at the time of the passage of the ordinances herein contained, and each and every part thereof, are hereby repealed; provided, that nothing herein contained shall be held or construed to affect, impair or extinguish the right of the city to sue for, and recover any penalty incurred prior to the passage of these ordinances, under any of the ordinances hereby repealed.

Be it further ordained by the common council of the city of Syracuse as follows :

CHAPTER I.

ANIMALS.

Animals subject to be impounded.

SECTION 1. Any horses, cattle, swine, sheep or geese found running at large in the city, or dog not muzzled, as required by chapter eleven of these ordinances, found running at large in the city, may be impounded in any of the public pounds of the city, from whence they shall not be released until the owner or some other person shall pay to the pound keeper the fees for receiving and discharging the same. The fees to be paid to the pound-keeper shall be as follows, viz :

Fees.	For each horse,	\$1 00
	For each cow or other horned animal,	1 00
	For each hog,	1 00
	For each goat or sheep,	50
	For each goose,	25
	For each dog,	2 00

Food to be provided.

§ 2. It shall be the duty of the pound-keeper to provide the necessary sustenance for all animals impounded and kept in the pound, and the reasonable cost of providing such sustenance shall be paid to the pound-keeper, in addition to the fees as aforesaid, before such animals shall be released from the pound ; and it shall be lawful for the pound-keeper to sell at public auction, any animal or animals impounded pur-

Authority to sell.

suant to this ordinance at any time after the expiration of six days, upon giving two days' notice of the sale by advertisement put up at the pound, in the office of the city clerk, and in the postoffice of the city. Two days' notice to be given by advertisement.

If the fees and expenses shall be paid before the time of sale the said animals shall not be sold, but shall be released by the pound-keeper. Each pound-keeper Pound-keeper to report quarterly. shall render quarterly to the common council a true statement of all moneys and fees received by him, together with the names of the persons impounding and those paying fees or penalties; and upon neglect or refusal so to do, his office may be declared vacant, and he shall in addition thereto be subject to a fine of ten dollars for such neglect or refusal. Penalty.

§ 3. The pound-keeper shall not purchase or be interested, directly or indirectly, in the purchase of any animal sold by him as pound-keeper. Any person violating this provision of this section shall be subject to a fine of ten dollars, or to imprisonment in the penitentiary of the county for thirty days. Pound-keeper shall not purchase.

If any person shall break into or attempt to break into any city pound, or shall interfere with or resist any person who may be driving any of the aforesaid animals to the public pound, or prevent or try to prevent the driving of the same as aforesaid, said person shall be subject to a fine of not less than five nor more than fifteen dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, Breaking into pounds. for each offense. Penalty.

City not liable
for fees and
expenses.

§ 4. The city shall not, in any case, be liable to any pound-keeper for or on account of any fees or expenses due to him, on account of any animal which may be impounded; and whenever such animal shall be sold and shall not bring enough to pay the fees and penalty, the same may be recovered of the owner of any such animal, by suit in the name of the city, and any recovery therein shall belong to and be paid to such pound-keeper.

Dead animals
not to be
buried within
city limits.

§ 5. No person shall bury, or cause to be buried, the body of any horse, mule, ox, cow, bull, hog or other animal, within the limits of the city, and any person violating any of the provisions of this section, shall be subject to a fine of not less than five nor more than twenty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Penalty.

Maltreatment
of animals.

§ 6. Any person who shall inhumanly, unnecessarily or cruelly beat, injure or otherwise abuse any animal, shall be subject to a fine of not less than five or more than twenty dollars, or to imprisonment in the penitentiary of the county for not less than ten or more than sixty days for each offense.

Penalty.

Goats and kids
not permitted
to run at large.

§ 7. Any owner or keeper of any goat or kid, who shall permit the same to run, or be at large in any public highway, street, park, alley, lane or other public place or thoroughfare of the city, shall be subject to a fine of not less than two, nor more than five dollars, or to imprisonment in the penitentiary of the county for

not less than ten nor more than thirty days, for each offense; and any person who shall knowingly have kept or harbored any such animal upon his or her premises, for the space of twenty-four consecutive hours, immediately before the time when the same was so permitted to run or be at large, shall be deemed to be the owner thereof.

CHAPTER II.

AUCTIONS.

SECTION 1.* No person or corporation shall, except on judicial sale, expose or offer for sale at auction any goods, wares or merchandise whatsoever within the corporate limits of the city without having first applied for and obtained a license so to do from the mayor or common council, and having paid the fee therefor as in this chapter provided; and any person violating any of the provisions of this section shall be subject to a fine of not less than twenty dollars, nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days, nor more than three months, or to both such fine and imprisonment.

Property not to be sold at auction without license.

Penalty.

§ 2. A license for the purpose aforesaid may be granted by the mayor or common council upon application therefor being made in writing, stating the kind of goods intended to be sold, and the person who is to

Auctioneers' licenses—how granted.

*As amended May 29th 1893.

conduct the sale, and upon the payment of a fee there-
 for to be fixed by the mayor or common council at not
 less than five nor more than fifty dollars, and no person
 but the licensee named therein shall conduct a sale
 under said license. Said license shall specify the term
 of its continuance and when it will expire, which time
 may be fixed by the mayor or common council, pro-
 vided, however, that no license shall run for a longer
 period than the fifteenth day of April next succeeding
 the date of its issue. Said license fee within the limits
 above fixed may be exacted by the mayor or common
 council for each and every day such auction sale shall
 be carried on in said city, and in such case the same
 shall be paid each day before such sale shall take place.
 The mayor or common council may for cause deemed
 satisfactory to him, or them, revoke any license that
 may be issued under this ordinance, and after such
 revocation it shall not be lawful to continue any such
 sale by auction. Any person violating any provision
 of this section shall be subject to a fine of not less than
 twenty-five nor more than one hundred dollars, or to
 imprisonment in the penitentiary of the county for not
 less than thirty days, nor more than three months or to
 both such fine and imprisonment.

Fees.

**Licenses shall expire the suc-
ceeding April.**

**Licenses may
be revoked.**

Penalty.

CHAPTER III.

BATHING.

**Bathing in
canals or
creek for-
bidden.**

SECTION 1. Any person who shall, during daylight,
 swim or bathe, unless covered by some proper and
 sufficient garment from neck to knee (except in such

place or places as the common council may hereafter by resolution prescribe) in the waters of the Erie or Oswego canals, or in any basin or side cut connected therewith, or in the Onondaga creek, or in any pond within sixty rods of any street or highway, shall be Penalty. subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

CHAPTER IV.

BRIDGES.

SECTION 1. Any owner or driver of any cart, sleigh, Vehicles not to remain on bridges. sled, wagon or other vehicle, who shall suffer such vehicle to remain on any bridge in the city for any longer time than is necessary to pass over the same, shall be subject to a fine of not less than five nor more Penalty. than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, for each offense.

§ 2. Any person who shall offer or expose for sale Sales not to be made on bridges. any wares, fruit, vegetables, meat or fish, or merchandise whatsoever, on any bridge in the city, shall be subject to a fine of not less than five nor more than Penalty. ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

Not to
cross or
enter upon
bridge
after signal.

§ 3. Any person who shall cross or attempt to cross, or enter upon any swing or hoist bridge in the city, after a signal shall have been given by the person in charge of such bridge indicating that the bridge is to be moved, shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Penalty.

CHAPTER V.

CARTMEN.

Cartmen to
be licensed.

SECTION 1.* No person shall pursue the business of a cartman within the city of Syracuse without having a license therefor from the mayor, which license may be granted upon the application therefor and the payment of a license fee of three dollars for each cart or vehicle to be operated thereunder: And such license shall continue in force until the fifteenth day of April next after the granting thereof. Any person violating the provisions of this section shall be subject to a fine of not less than ten dollars and not more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten days and not more than three months for each offense.

Penalty.

Carts to be
numbered.

§ 2. Every cartman shall cause his cart to be numbered, such number to be designated by, and (together with the name and place of residence of such cartman)

*As amended April 28th, 1890.

filed with the city clerk, and thereupon the city clerk shall furnish to such cartman, without further charge, duplicate numbers which said cartman shall fasten on his cart, one on each side thereof, so that they may be plainly seen, and shall there retain them during the life of his said license. Any person violating any of ^{Penalty.} the provisions of this section, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offense.

§ 3. The following shall be the established rates of ^{Rates of charges.} charges of cartmen of said city, the said rates to apply to all loads transported within the limits bounded on the west by the west line of Niagara street, on the east by the east line of Irving and Catharine streets, on the south by the south line of Taylor street, on the north by the north line of Division street.

For each hogshead of molasses not more than.	\$ 50
For each hogshead of oil, containing 80 gallons or over, not more than	50
For each hogshead of sugar not more than . .	50
For each hogshead of tobacco not more than .	50
For each hogshead of rum, brandy, gin or wine, not more than	50
For each hogshead of alcohol not more than .	50
For every seven barrels of flour not more than	50
For every five barrels of salt not more than .	50
For every load of loose salt of eighteen bushels or over, not more than	50
For every load of salt kettles not more than .	50
For every load of stone not more than	50

For every load of earthen or hollow ware not more than.....	50
For every load of coal of ten cwt or over, not more than.....	50
For every load of lumber of 500 feet or over, not more than.....	50
For every load of household furniture not more than.....	1 00
For every piano forte not more than.....	2 00
For every load of articles not enumerated above, not more than.....	50

Penalty.

For each load carried to or from any point or points beyond said limits, an extra charge may be demanded; but such extra charge shall not be greater than at the rate of forty cents per mile on the distance from said point or points to said limits, and the same rates shall be observed by all cartmen living and carrying on said business within the first ward. Any cartman who shall demand any higher rate of charges than as herein specified, shall be subject to a fine of not less than ten nor more than twenty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, for each offense.

Where
to stand.

§ 4. The committee of the common council on licenses is hereby authorized to make, from time to time, such regulations respecting the stands for carts, trucks or wagons, while waiting for employment, as in its judgment may best promote the public convenience; and no cart, truck or wagon shall be permitted, by the owner or driver thereof, to stand waiting for employment in any other public street or place in the city

than as so designated. Any person refusing to com- Penalty.
 ply with the regulations so made shall be subject to a
 fine of not less than five nor more than fifteen dollars,
 or to imprisonment in the penitentiary of the county
 for not less than ten nor more than thirty days, for
 each offense. The provisions of this section shall not Exception.
 apply to the first and second wards.

§ 5. No person or corporation shall use, cause or All vehicles carrying 4,000 pounds or over to have four inch tires.
 suffer to be used, any wagon, cart or other vehicle,
 loaded with or carrying any freight or material of the
 weight of four thousand pounds or upwards, upon any
 paved, macadamized or improved street within the
 limits of the city of Syracuse, unless the tires upon
 said wagon, cart or other vehicle shall be at least four
 inches in width; and no person shall use, cause or
 suffer to be used on such street, any wagon, cart or
 other vehicle loaded with or carrying any freight or
 material of the weight of three thousand pounds, or Tires three inches wide.
 any greater weight less than four thousand pounds,
 unless the tires upon said wagon, cart or other vehicle
 shall be at least three inches in width. Any person
 violating any of the provisions of this section shall be
 subject to a fine of not less than five nor more than Penalty.
 twenty-five dollars, or to imprisonment in the peniten-
 tiary of the county for not less than ten nor more than
 sixty days, for each offense. The mayor, and alderman
 or policemen may require any person he shall suspect
 of violating this ordinance, to weigh the load upon his
 vehicle, in order to ascertain the correctness of his
 suspicion. In case the load so weighed shall exceed

the limit above specified, the expense of such weighing shall be added to the penalty above provided, otherwise it shall be paid by the city.

CHAPTER VI.

CEMETERIES.

Sexton of
first ward
cemetery.

SECTION 1. The cemetery located in the first ward, and known as the "First Ward Cemetery," shall be under the charge of a sexton, to be appointed by the common council annually, and shall be subject to such rules and regulations as may be prescribed by the committee on cemeteries of the common council.

Sexton of
fourth ward
cemetery (now
twelfth ward)
—his duties

§ 2. The cemetery located in the fourth ward,* designated and known as "Rose Hill Cemetery," shall be under the charge of a sexton to be appointed by the common council annually. He shall reside in the dwelling upon the cemetery grounds, free of rent, and shall keep the grounds, walks, avenues and streets of said cemetery in good order and free from obstructions. He shall as often as once in each month from the 15th day of April to the 16th day of November in each year, mow the grass and remove the weeds and thistles from the avenues, streets and walks, and from such surveyed lots as are not properly taken care of by their respective owners. It shall be his duty to enforce the ordinances and regulations concerning the cemetery, and he shall have power to arrest all persons trespassing in

To enforce
the ordinances
and regula-
tions.

*Now twelfth ward.

any manner therein; it shall also be his duty and he shall have power to direct how and where any dead body not belonging to the owner of any lot shall be buried, and to prevent the burial of any body in any unsold lot, or any lot which is the property of another without the owner's consent. He shall not be an undertaker, or connected with or interested in any undertaking establishment; and he shall wear a badge on his breast or coat with the words "City Sexton" distinctly visible thereon. In addition to the duties herein mentioned, he shall dig all graves within the cemetery grounds at the rates herein or hereinafter to be established by the common council, and subject to such regulations as may be prescribed by the ordinances of the city.

§ 3. All applications for lots in either of the cemeteries, under charge of sextons appointed by the common council, shall be made to the sexton having the grounds thereof in charge, and it shall be his duty to give such information as may be requested. The sextons shall each be provided with a cemetery map on which all lots which have been or may be disposed of shall be designated. They shall also each be provided with a book containing a list of the unsold lots with their respective numbers and the valuation of each lot, in which book they shall enter all certificates granted, and the name of the person to whom granted. The certificate shall specify the number of the lot and its valuation. On issuing a certificate the sexton shall be entitled to receive fifty cents therefor from the applicant.

Sexton to sell
lots and issue
certificates.

Cemetery
deeds—how
to be given.

§ 4. If the holder of a certificate for a cemetery lot shall present such certificate to the city treasurer and pay over to him the amount of the valuation therein specified within twenty days from the date of such certificate, such holder shall be entitled to a deed of such lot. Such purchaser on making such payment, shall take said treasurer's receipt therefor and immediately present the same to the city clerk; upon the receipt of which the clerk shall cause an entry of the sale to be made, and shall grant a deed of such lot to the purchaser, signed by the mayor and countersigned by himself, and affix thereto the seal of the city. If the certificate is not presented within the time specified, the said lot shall be forfeited and any body that may have been buried therein shall be removed into the public ground at the expense of the person obtaining such certificate.

Forfeiture
of lot.

Reports—
how to be
made.

§ 5. The city treasurer shall keep an account with the cemetery fund, in which all moneys received or paid on account of any of the cemeteries shall be entered. The city clerk and city treasurer shall report to the common council annually a statement of the several accounts kept by them. The sextons shall each annually report the number of certificates granted by him during the year, with a description of the lots, the names of the person to whom granted, and the date of each certificate.

Fees for
digging
graves.

§ 6. The graves dug by the sextons shall be of the depth of five feet, and the rates of compensation for digging and filling up the same shall be as follows:

For box graves for children under ten years..	\$2 00
For plain graves for children under ten years.	1 50
For box graves for persons over ten years...	2 25
For plain graves for persons over ten years..	1 75
For taking up a body and refilling a grave..	4 00

In case of reburial of such body the regular fee for the same shall be added to the above.

§ 7. Any person who shall leave any horse or vehicle standing in any avenue, street or path in any of said cemeteries or who shall fasten or cause to be fastened, any horse therein at any other place than at the posts provided for that purpose, or shall leave any horse unfastened therein, or shall cut, break or in any manner injure or destroy any tree, shrub or plant, or pick, crush, gather or in any manner destroy any flower, either wild or cultivated, or any herbage, or the fruit or product of any such tree, shrub or plant within any of the cemeteries aforesaid; or shall write upon, soil, deface, remove, displace or in any manner injure or destroy any monument, fence, stake, post or other structure in or belonging to any of the said cemeteries; or shall deposit or cause to be deposited, any filth or unclean or offensive substance therein; or shall discharge any firearms in either of the said cemeteries, or any other place within the city, with the intent that the contents thereof shall enter either of the said cemeteries, shall be subject to a fine of not less than three nor more than ten dollars, or imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense. Children under the

Not to obstruct streets or avenues in cemeteries.

Not to injure shrubbery.

Not to deface or displace any monument or fence.

Not to deposit filth in, etc.

Penalty.

Children unaccompanied not to enter.

Children's
carriages
not allowed
to enter.

age of twelve years are hereby prohibited from entering or visiting Rose Hill cemetery, or any other cemetery within the limits of the city of Syracuse, unless accompanied by their parents or proper guardians, and children's carriages are strictly prohibited from entering said cemetery grounds, unless permission first be obtained from the proper authority.

CHAPTER VII.

CITY FLAGS.

Keeper of

SECTION I. The chief engineer of the fire department shall be the keeper of the city flags and flag-staffs.

To be kept in
good order.

§ 2. He shall see that the several flags are kept clean and in good order, and shall not allow them to be used for any other purposes than those specified in this chapter. He shall also see that each staff is properly painted, and as far as practicable protected from decay, and that suitable halyards are furnished to each staff.

When to be
displayed.

§ 3. He shall cause each flag to be displayed upon its staff from sunrise until sunset on the fourth day of July, the twenty-second day of February and the thirtieth day of May in each year, except when said days shall occur upon Sunday, in which case said flags shall be so displayed on the Monday next following, also upon the day of the inauguration of the city

government, and also upon the day of the inauguration of the president of the United States, and at such other times and in such manner as the mayor or common council may, from time to time, direct.

§ 4. Any person who shall deface or injure any such flag, flag-staff, or the halyards belonging to the same, shall be subject to a fine of not less than five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than ten days nor more than three months, for each offense.

Penalty for
injuring or
defacing flags.

CHAPTER VIII.

CITY HALL.

SECTION 1. The standing committee of the common council designated as the Committee on City Hall, shall have the general charge, care and custody of the said building, its fixtures, furniture and the grounds about the same; it shall have power to direct the cleaning and keeping in order of the same; to prevent the occupation of any part of the building or grounds by unauthorized persons, and the improper assembling of persons therein; to direct the repairs on the building and furniture therein; to permit the temporary use of the building (or such parts as are not specially appropriated), for meetings of citizens for objects of a general public interest; and to fix the rates to be paid for the use of the same.

Committee on
city hall to
have general
charge of
the same.

CHAPTER IX.

CITY SEAL.

SECTION I. The seal hereafter to be used by the city of Syracuse shall be as herein described, to wit:—

Description. In the center a locomotive with train of cars and section of railroad bridge over a canal, in the background a row of salt blocks, hills and the rising sun surmounted by the words "Central City," in the foreground a solar salt field, canal and loaded canal boat with a team of horses and their driver towing the same, beneath which are the words and figures, "City of Syracuse, 1848," which seal represented as aforesaid and hereto annexed, shall be, and is hereby established and declared to be, hereafter the common seal of the city of Syracuse.



CHAPTER X.

DOCUMENTS AND RECORDS.

SECTION 1. No person or persons shall carry out or remove any papers, specifications, plans, documents, or records or any property whatsoever belonging to the city from any room or department in the city hall building, except under direction of the mayor or common council.

Documents
not to be taken
from city hall
without per-
mission.

Any person violating any provision of this section shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days, nor more than three months, for each offense.

Penalty.

§ 2. The city clerk shall keep a record of all real property and interest in real property acquired by the city, and shall provide and keep for the purpose a suitable book, which shall contain the following entries relating to such property, together with such additional data in any particular case as he shall deem important.

City clerk to
keep a record
of real estate
owned by city.

Of deeds of property:—

1. The name of the grantor.
2. The character of the conveyance, whether quit claim, warranty, or full covenant deed, etc.
3. The date of conveyance.

4. The consideration.
5. A description of the premises.
6. All reservations, exceptions and conditions contained in the conveyance and any other portion of such conveyance which affects the interests or estate conveyed.
7. The date when, and the book and page where such deed is recorded in the office of the clerk of Onondaga county.
8. The date of the acceptance of such conveyance by the common council.

Of lands acquired under statutory proceedings :—

9. In case of lands or any interest therein that have been or shall hereafter be acquired by proceedings taken under any statute, the said record shall contain a description of the premises and a full statement of such proceedings with a reference to the official record thereof in the county clerk's office, and all maps relating thereto

Of lands dedicated to public use by the Syracuse Company and other parties :—

10. In case of lands that have been dedicated to public use by the Syracuse company, or that have been or may hereafter be so dedicated by any party, where no actual conveyance has been made, there shall be entered a description of such lands, with date and man-

ner of dedication with a reference to any matter of record, and to all maps relating thereto. There shall also be entered any improvement or other act done by the city, declaring or indicating an intent to accept said lands for public use.

CHAPTER XI.

DOGS.

SECTION I.* After the first day of August next it shall not be lawful for any dog or bitch to run or to be at large in any of the streets, alleys, parks or public places, within the city of Syracuse, without being duly licensed, and wearing a metal tag as hereinafter provided. Such license may be granted upon application to the city clerk, and shall be signed by him and the mayor, and shall continue in force until the fifteenth day of April next after the granting thereof. Every person receiving such license shall pay to the city clerk for the use of the city of Syracuse the sum of fifty cents for every dog, and the sum of one dollar for every bitch so licensed.

Dogs must be licensed.

Must wear metal tag.

Licenses expire on 15th of following April.

Fees.

Any dog or bitch so licensed must wear around its neck a collar, to which shall be attached a metal tag, distinctly marked with a number designated by the city clerk, and stated in the license granted; such metal tag, shall be furnished by the city of Syracuse, and any person receiving one shall pay therefor the sum of

Tags must be numbered.

*As amended May 11th, 1891, and June 26th, 1893.

twenty-five cents. The use of any other tag as a substitute for those furnished by the city is hereby strictly forbidden.

City clerk to keep record of licenses.

The city clerk shall keep a record of all dog licenses granted, which shall show the name and residence of the person to whom issued, together with the number designated upon the metal tag furnished therewith.

Penalty.

Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more than ten dollars; or to imprisonment in the penitentiary of the county for not less than ten or more than thirty days, for each offense.

Mayor to designate some person to seize dogs without tags.

§ 2. It shall be lawful for the pound keeper, any policeman, or any person authorized in writing by the mayor so to do, to capture, seize and deliver to the public pound, or any place designated by the mayor, any dog or bitch found running at large in any of the streets, alleys, parks or public places within the city of Syracuse, without having the metal tag attached as provided in section 1 of this chapter.

Dogs impounded—how disposed of.

Any dog or bitch so impounded may be redeemed by any person producing the license thereof, within forty-eight hours after capture, upon payment to the pound-keeper of the sum of two dollars.

Penalty for interference.

All dogs or bitches not redeemed within seventy-two hours after capture shall be killed by the pound-keeper. Any person who shall interfere with the pound-keeper, any policeman or any such authorized person, while seeking to capture any dog or bitch shall be subject to

a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary for not less than five nor more than ten days, for each offense. Any authorized person, other than the pound-keeper or a policeman, capturing and delivering a dog and bitch to the public pound, shall be entitled to receive from the pound keeper, one half of the money paid to redeem such dog or bitch. Such authorized person shall also be entitled to receive from the city of Syracuse, for each dog or bitch captured by him and killed by the pound-keeper, the sum of fifty cents, to be paid from the contingent fund. The pound-keeper shall make a sworn report to the common council, upon the first day of each month, showing the number of dogs and bitches killed by him, and by whom captured during the preceding month.

Compensation
for capturing,
etc.

Pound-keeper
to report to
council.

§ 3. No licensed dog or bitch shall be permitted to run or be at large in any of the streets, alleys, parks or public places within the city of Syracuse, between the first day of July and the fifteenth day of September without being securely muzzled with a wire muzzle fastened with a chain or strap, and it shall be lawful for the pound-keeper, any policeman, or any person authorized in writing by the mayor or chief of police so to do, to capture, seize and deliver to the public pound or any place designated by the mayor, any such unmuzzled dog or bitch found running at large in the city.

Dogs must
be muzzled
between July
1st and Sep-
tember 15th.

Unmuzzled
dogs to be
seized, and
impounded.

Such unmuzzled dog or bitch may be redeemed, by any person producing the license therefor, within sev-

How
redeemed.

Compensation
for catcher.

enty-two hours after the capture, and upon payment to the pound-keeper of the sum of two dollars. Any such authorized person, other than the pound-keeper or a policeman, capturing and delivering such unmuzzled dog or bitch to the public pound, shall be entitled to receive from the city of Syracuse, for such unmuzzled dog or bitch captured by him and killed by the pound-keeper, the sum of fifty cents, to be paid from the contingent fund.

Report to
common
council.

The pound-keeper shall make a sworn report to the common council, upon the first day of each month, showing the number of unmuzzled dogs and bitches killed by him, and by whom captured, during the preceding month. Any person who shall interfere with the pound-keeper, any policeman or any such authorized person, while seeking to capture an unmuzzled dog, shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, for each offense.

Penalty for
interference.

Ownership of
dogs—how
determined.

§ 4. Any person owning a dog or bitch or harboring a dog or bitch upon premises occupied by him or her, for three consecutive days, shall be deemed to be the owner thereof, and upon neglect or refusal to obtain a license for such dog or bitch, as provided in this chapter, shall be subject to a fine of not less than three nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than ten days, for each offense.

Penalty for
refusal to
obtain license.

CHAPTER XII.

DISORDERLY HOUSES.

SECTION 1. Any person who shall keep or maintain, ^{Disorderly houses,—keeping of, etc.} or be an inmate of or in any way connected with or in any way contribute to the support of any disorderly house, or house of ill-fame or place for the practice of fornication, or knowingly own or be interested as proprietor or landlord of any such house, shall be subject to imprisonment in the penitentiary of the county for ^{Penalty.} not less than thirty days nor more than three months, or to a fine of not less than twenty-five nor more than one hundred dollars.

§ 2. Any female who shall be found loitering or ^{Street strolling and prostitution.} strolling about the streets of the city, by day or night, without any regular lawful business, or who shall be convicted of being a prostitute, shall be subject to a fine of not less than ten nor more than fifty dollars, or ^{Penalty.} to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months.

§ 3. Any person who shall keep or be an inmate of ^{Gaming houses and rooms.} a gaming house or room, or any person who shall visit such gaming house or room, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months. Any person who shall have, or keep, ^{Gambling instruments not to be used.} or permit to be used in any building or place in the

- city, occupied or controlled by such person, any E. O. table, keno or roulette table, faro bank, shuffle board, bagatelle, playing cards, or any instrument or device or thing used for gambling, whereon or with which money, liquor or other articles shall in any manner be played for, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment, for each offense. Any owner or keeper of, or any person within such gaming house or room, who shall refuse to permit the mayor, any alderman, the police justice, chief of police, or any policeman to enter the same, or shall obstruct or resist any of the aforesaid officers (or persons summoned by them to assist), in entering such place, or in the destruction of any instruments or devices employed in gambling in such places, shall be subject to a fine of not less than ten nor more than one hundred dollars or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months or both such fine and imprisonment, for each offense.
- Penalty.
- Resistance to officers.
- Penalty.
- Pool tables in saloons, etc.
- § 4. Any person who shall keep a pool table in any saloon, room or place where beer or liquors of any kind are sold or drank, and shall permit or allow any person who is under the age of eighteen years to play pool thereon, shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days
- Penalty.

nor more than three months, for each offense, and one-half of such fine shall be paid to the informer, when the same shall be paid.

§ 5. The mayor, police justice, chief of police, any alderman or policeman, or person summoned by them or by any of them to aid them, may enter any disorderly house, house of ill fame, house of prostitution or assignation, or gaming house or room, and arrest, with or without warrant, any suspicious persons found therein and destroy any instruments or devices employed in gambling in such places, and if admission be refused, may enter by force, by breaking the doors or otherwise.

Authority to enter disorderly houses.
May destroy instruments, etc.

CHAPTER XIII.

EXHIBITIONS.

SECTION 1. No person shall exhibit for money any theatrical representation, concert, caravan, circus, feats of horsemanship, or other natural or artificial curiosity, or open or maintain any hall or rink for skating or other amusement for the public for entrance to which a fee shall be charged, or for hire, without first obtaining a license therefor. Such license may be granted by the mayor or common council upon payment of a license fee of not to exceed fifty dollars for a single exhibition, the amount to be in the discretion of the mayor or common council. The license shall specify the object and the length of time for which it has been

Exhibitions to be licensed, etc.

Penalty.

issued. It shall be the duty of the person so licensed to keep good order in and about his place of exhibition or amusement, and for that purpose to keep, at his own expense, a sufficient police force. Any person who shall violate any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, and to a like fine or imprisonment for every day such person shall continue such exhibitions, in violation hereof, after the first conviction.

Exhibitions
exempt from
license.

No license shall be required, however, for musical parties, concerts, theatrical representations or exhibitions of paintings, or statuary given or made by citizens of the city, who shall not make such exhibition, musical parties, concerts or theatrical representations for a business or profession.

Indecent
exposure of
person, or ex-
hibition, lewd
books and
pictures.

§ 2. Any person who shall within the city appear in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or make an indecent exposure of his or her person, or shall sell or offer for sale any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent or immoral play or other representation or shall exhibit or cause or permit to be exhibited on any bill-board, or in any window, or in any public place in the city, any lewd, immoral or obscene picture, or illustrated paper containing an immoral picture or printed matter, shall

be subject to a fine of not less than fifteen dollars nor Penalty.
more than one hundred dollars, or to imprisonment in
the penitentiary of the county for not less than thirty
days nor more than three months, or both such fine
and imprisonment, for each offense.

§ 3. No undertaker or other person shall exhibit any Undertakers
not allowed to
exhibit coffins,
etc., in show
windows of
streets.
coffin, shroud or other habiliment of the grave upon
any sidewalk, in any show window or other place
where the same may be observed by one passing upon
any street or sidewalk of the city. Any person who Penalty.
shall violate any of the provisions of this section shall
be subject to a fine of ten dollars, or to imprisonment
in the penitentiary of the county for ten days, or to
both such fine and imprisonment for each offense.

§ 4. No undertaker or other person or persons shall Bodies of dead
persons not to
be exhibited.
exhibit in any public place or in any building where
the same shall be visible from any street, square or
alley, the remains of any person who has died by acci-
dent or otherwise. Any person violating any of the Penalty.
provisions of this section shall be subject to a fine of
ten dollars, or to imprisonment for ten days, or to both
such fine and imprisonment for each offense.

CHAPTER XIV.

FIRE ALARM TELEGRAPH.

SECTION 1. Any person who shall make, or cause Making or
having keys
without per-
mission.
to be made, or have in his possession, any key, im-
pression or duplicate of any signal box of the fire alarm

telegraph in this city without the express permission or authority of the board of fire commissioners, shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months for each offense.

Penalty.

Giving false alarm, or injuring apparatus.

§ 2. No person shall give, or cause to be given, a false alarm, with intent to deceive, or pull the slide of any station or signal box except in case of fire in said city, or transfer, meddle or in any way interfere with said signal boxes, or any part thereof, or cut, break, injure, deface or remove any of said boxes or any part thereof, connected with any part of said fire alarm telegraph, or make any connection or communication therewith, so as to interrupt or interfere with the proper working of the same, or with intent to injure, break or destroy any machinery or fixtures connected therewith. Any person violating any of the provisions of this section shall be subject to a fine of not less than fifty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment.

Penalty.

Wires not to cross, etc.

§ 3. No corporation or person shall cause any telegraph, telephone, electric light or other wire, to be erected so as to cross or to pass along the line of the fire alarm telegraph, above the wire used by said fire alarm telegraph. Any corporation or person who shall violate any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than

Penalty.

one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months.

CHAPTER XV.

FIRE ARMS, FIRE WORKS, ETC.

SECTION 1. Any person who shall discharge any cannon, gun, fowling piece, pistol, revolver, or fire arms of any description, or explode or set off any squib, fire cracker, or other combustible material, within the city limits, without permission from the common council or written permission from the mayor, shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, for each offense. And any person who shall violate any of the provisions of this section after the hour of eight o'clock in the evening, shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offense.

§ 2. Any person who shall without permission of the common council, or written permission of the mayor, discharge or let off any blast of gun-powder or other explosive material, in the streets or elsewhere within the bounds of the city, or direct or procure such discharge or be accessory thereto, shall be subject to a

Discharging
fire arms or
fire works
forbidden.

Penalty.

Blasting
forbidden
without
permission.

Penalty. fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than sixty days, for each offense.

CHAPTER XVI.

FIRE LIMITS.

Fire limits SECTION 1. The entire territory included within the boundaries of the city of Syracuse shall constitute the fire limits of said city.

§ 2. No wooden or frame building shall be built, or added to if already built, any part of which shall be more than fifteen feet in height, or the area more than two hundred square feet, within the following described boundaries, viz: Beginning at the intersection of the foot of West Adams street and Onondaga creek, along West Adams street and East Adams street to Montgomery street, along Montgomery street to Cedar street, along Cedar street to Mulberry street, along Mulberry street to Lock street, along Lock street to Laurel street, thence northeasterly along Union street to Butternut street, thence northeasterly along Butternut street to Townsend street, thence northeasterly along Townsend street to Isabella street, thence southwesterly along Isabella street to Lock street, thence southeasterly along Lock street to Salt street, thence southerly along Salt street to Laurel street, thence southwesterly along Laurel street and its south line projected to Onondaga creek, thence westerly along West Genesee street to

Limits in which no wooden buildings can be constructed.

North West street, thence southerly along North West street to Tracy street, thence southwesterly along Tracy street to a point opposite the center of Wyoming street, thence southerly to and along Wyoming street to Otisco street, thence easterly along Otisco street to South West street, thence northerly along South West street to West Jefferson street, thence easterly along West Jefferson street to the Onondaga creek, thence southerly along said creek to West Adams street, the place of beginning.

§ 3. No wooden building, or part of such building situated within the boundaries described in the foregoing second section, shall be raised, enlarged or removed from one place to another within the said boundaries, nor shall any such building be removed from without to any place within the said boundaries. No wooden buildings within said boundaries which may hereafter be damaged to the extent of fifty per cent of the value thereof, shall be repaired or rebuilt, nor shall any building, when the damage to the same shall be less than fifty per cent, be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred, and then only by permission of the fire marshal. The amount of damages aforesaid shall be determined by the fire marshal.

§ 4. All depositories for ashes within the fire limits of the city shall be built of brick or stone, or other fire-proof material, without wood or other combustible material in any part thereof. Any person violating any of the provisions of this section shall be subject to

Removal or enlargement of buildings on fire limits--how to be regulated.

Depositories for ashes, how to be constructed.

Penalty. a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than sixty days for each offense, and to a like fine or to a like imprisonment for every twenty-four hours such violation shall continue after the first conviction.

Penalties for erecting or removing buildings on fire limits.

§ 5. Any owner, builder or other person who shall build or aid in the erection of any building or part of a building within the boundaries described in the second section of this chapter, contrary to, or in any other manner than authorized by the foregoing provisions of this chapter, or who shall remove or assist in removing any wooden building from one place to another within the said boundaries or from without said boundaries to any place within the same, or repair or assist in repairing any damaged wooden building, contrary in either case to any of the foregoing provisions of this chapter, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, and to a like fine or to a like imprisonment for every forty-eight hours such person shall fail to comply with the provisions of this chapter, or continue in violation thereof.

No wooden buildings to be built without permission of fire marshal.

§ 6. No wooden building or wooden structure of any description shall be built or constructed, nor shall any such building or structure be enlarged or raised within the fire limits of the city and without the boundaries described in the second section of this chapter, without

the permission of the fire marshal in writing. Any Penalty. person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days, nor more than three months, and to a like fine or to a like imprisonment for every twenty-four hours, after the first conviction, such person shall neglect or refuse to comply with the order of the fire marshal in the premises.

§ 7. No wooden building or wooden structure of any description shall be moved from one place to another within the fire limits and without the boundaries described in the second section of this chapter, or from without to any point within said fire limits without the permission of the common council and the fire marshal in writing. Any person violating any of the No building to be moved without permission of common council and fire marshal in writing. provisions of this section shall be subject to a fine of Penalty. not less than twenty nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, and to a like fine or to a like imprisonment for every twenty-four hours after the first conviction such person shall neglect or refuse to comply with the orders of the common council or of the fire marshal.

§ 8. No fence, nor bill-advertising or sign-board against or upon the line of any fence, shall be erected within the city limits to a greater height than six and one-half feet from the ordinary surface of the ground, without permission first had by resolution of the com- No fence, bill-advertising or sign board to be built at a greater height than 6½ feet without permission.

Penalty.

mon council approved by the mayor. Any person violating any provision of this section shall be subject to a fine of not less than ten nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than thirty nor more than sixty days, and a like fine or a like imprisonment for each day that any fence, bill-advertising or sign-board, erected in violation hereof shall remain after notice to remove the same.

Buildings with twenty-five or more occupants to erect fire escapes.

§ 9.* All owners of a building or buildings used as a church, hotel, boarding house, factory, public hall, skating rink, tenement block or any building in which twenty-five or more persons occupy any of the stories above the second story, shall, if in the opinion of the fire marshal of the city of Syracuse, the same shall be deemed necessary, build, erect, prepare and furnish for such buildings one or more fire escapes, as may be deemed by the fire marshal as necessary and sufficient therefor.

Fire escapes --how constructed, etc

Such fire escapes shall be provided on the outside of such building, connecting with each floor above the first, well fastened and secured, and of sufficient strength, each of which fire escapes shall have landings or balconies, not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story and connecting with the interior by easily accessible and unobstructed openings, and the balconies or landings shall be connected by iron

*As amended April 11th 1892.

stairs, not less than twenty-four inches wide, the steps not to be less than six inches tread, placed at not more than an angle of forty-five degrees slant, and protected by a well secured hand-rail on both sides with a twelve inch wide drop ladder from the lower platform reaching to the ground. Any fire escape so constructed shall be sufficient. Any other plan or style of fire escape shall be sufficient, if approved by the fire marshal but if not so approved, the fire marshal may notify the owner, proprietor or lessee of such building, or any of them, in writing, that any such other plan or style of fire escape is not sufficient, and may by an order in writing served in like manner, require one or more fire escapes as he shall deem necessary and sufficient, to be provided for such building at such locations and of such plan and style as shall be specified in such written order.

Fire escapes
must be ap-
proved by
fire marshal.

Any person failing or refusing to comply with the requirements of the fire marshal given as herein provided, for a period of ten days, shall be subject to a fine of not less than fifty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county of Onondaga, for not less than thirty days or more than three months, and to a like fine or to a like imprisonment for every thirty days such person shall neglect or refuse to comply with such requirements after the first conviction. Penalty.

CHAPTER XVII.

FIRE, PREVENTION OF.

Pipes to enter
brick or stone
chimneys.

SECTION 1. No pipe of any stove, furnace or boiler, shall be put up, unless it be conducted into a chimney made of brick or stone, except by permission of the fire marshal, and upon a certificate, under his hand, that in his opinion, the manner in which it is put up is equally safe as if it were conducted into such chimney.

Penalty.

Any person who shall put up any such pipe, contrary to the provisions of this section, shall be subject to a fine of not less than three nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, and to a like fine or to a like imprisonment for every twenty-four hours such pipe shall remain so put up, after the first conviction.

Fires to be
kept in proper
receptacles.

§ 2. No person shall make or keep a fire in any yard, woodhouse, or other out-house or building in this city, unless in some proper receptacle for fire, communicating with a chimney. Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Penalty.

Combustible
substances,
where
deposited.

§ 3. No hay, straw or other combustible substance or material shall be deposited within fifteen feet of any place where fire ashes are kept, unless such place be a

close and secure building, and no person shall be permitted to maintain a wood yard or kindling wood manufactory in which the sawing is done by steam power within twenty-five feet of any wooden building or buildings. Any person violating any of the provisions of this section, shall be subject to a fine of not Penalty. less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, for each offense, and to a like fine or to a like imprisonment for every twenty-four hours during which any such matter so deposited in such wood-yard or kindling wood manufactory shall remain after the first conviction, and if any such deposit or the contents of such wood-yard or manufactory shall not be immediately removed upon notice from the chief engineer of the fire department or any one of the fire commissioners, requiring such removal, any policeman or fireman may remove the same at the expense of the offender.

§ 4. No lighted candle or uninclosed lamp or light of Candles and lamps. any kind shall be used in any shop, stable or other place or building where chips, shavings, hay, straw, or other combustible materials shall be kept. Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more Penalty. than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

• § 5. Every carpenter, joiner, cooper or other me- Chips, shavings &c., to be safely stored. chanic or person keeping a shop or other building

wherein chips, shavings or other combustible matter may be contained, shall, at least once a week, clean and remove the same from such shop or building, and from any yard belonging thereto, and cause the same to be securely stored in some safe place remote from danger by fire. Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, for each offense.

Penalty.

Chips, etc.,
not to be
scattered
in streets.

§ 6. Any carpenter, joiner, cartman or other person who shall in removing any chips, shavings or other combustible matter from any shop, building or yard, scatter or throw them in any street or lane, or shall at any time direct, permit or suffer any of them to be thrown or scattered in any street or lane, shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, for each offense.

Penalty.

Articles
deemed
dangerous
to be
removed.

§ 7. Whenever any article, material or substance, stored, placed or kept within the city limits shall be deemed by the chief engineer of the fire department, or board of fire commissioners, to be dangerous to persons or property on account of its liability to fire or explosion, said chief engineer or said board of fire commissioners, shall, in writing, notify the person or persons, or any one of them having the possession or

control thereof, forthwith to remove the same to some place without the city or to such safe place or places within the city, as the chief engineer of the fire department shall designate. If such person or persons, who shall have placed or shall have the possession or control of such article, material or substance, shall be unknown, or cannot be found upon the premises where the same is stored or kept, or shall fail forthwith to remove the same, after receiving such notice, it shall be lawful for either said chief engineer of the fire department or board of fire commissioners, or any person authorized by him or them, to enter, in the daytime, into any dwelling-house, store, stable, or other building or inclosure, or vessel, or other place or places whatsoever, where the same may be, and remove the same to such place or places as the chief engineer of the fire department may designate. The said chief engineer or said board of fire commissioners shall give such orders and directions touching the lying and fastening of any vessel whatever, having on board any gunpowder or other combustible materials which are dangerous in causing or promoting fires, as he or said board may think conducive to safety or shall direct such gunpowder or other combustible matter to be removed to a place of safety, and if any such order is not forthwith complied with, he or said fire commissioners may remove the same to such place as he or they may designate. Any person who shall neglect or fail to remove any material or substance, as provided in this section for a period of twenty-four hours after being notified to remove the same, or who shall resist

Vessels
containing
gun powder,
&c, to be
assigned
places.

or prevent, or attempt to resist or prevent any removal of such explosive substance or substances, or who shall neglect or refuse to obey the directions or orders given, as provided in this section, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty nor more than sixty days, for each offense.

Stores to
have
scuttles and
stairways.

§ 8. Every store or other building exceeding two stories in height, wherein any mercantile or manufacturing business is carried on, within the limits of the city, shall have a scuttle on the roof and a convenient and suitable stairway or ladder leading to the same, so as to afford a convenient access to the roof of such building in case of fire. The owner or the occupant of any such store or other building who shall not conform to the requirements of this section within twenty days after being notified so to do, shall be subject to a fine of not less than twenty-five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than sixty days, and to a like fine or to a like imprisonment for every ten days the offense shall continue after the first conviction.

Penalty.

Fires not
to be
kindled in
streets, &c.
without per-
mission.

§ 9. No person shall, without permission of the mayor, kindle any fire or furnish materials for any fire, nor in any way authorize or allow any fire to be made, or in any manner aid or assist in making any fire in any street, square, lane, or alley, or on any wharf or dock or on any vacant lot in this city. Any person violating any of the provisions of this section shall be

Penalty.

subject to a fine of not less than two nor more than ten dollars or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

§ 10. It shall be the duty of the fire marshal to in-
spect all new buildings in progress of erection, and all
buildings now in use or undergoing material altera-
tions within the fire limits of the city; and in case
any building shall be deemed dangerous on account of
liability to accidents from fire, by reason of any care-
less or improper construction or proposed construction
of any chimney, flue, wall, partition, aperture for
stove pipes, the location of any boiler, furnace, range
or stove, or other cause, the said fire marshal shall
have power, and it shall be his duty, to cause such
building or objectionable and dangerous part thereof
to be removed or so constructed as to be free from such
danger and to conform to the provisions of this chapter.
Any person who shall resist or seek to prevent such
inspection or removal, shall be subject to a fine of not
less than twenty-five nor more than one hundred dol-
lars, or to imprisonment in the penitentiary of the
county for not less than thirty days nor more than
three months, for each offense.

Fire marshal
to inspect
buildings.

Penalty.

§ 11. It shall be the duty of the chief of police to
require the patrolmen of each police district to report
to him every instance of the commencement of the
construction of a new building, or of a material altera-
tion of an old building, and when such report shall be

Patrolmen to
report new
buildings.

received, the said chief of police shall immediately communicate the same to the fire marshal.

Chimneys not
to be burnt
out without
permission.

Penalty.

§ 12. No person shall be allowed [to burn out any chimney within the fire limits, except by permission of the fire marshal in writing. Any person violating the provisions of this section shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county for thirty days for each offense.

Fire marshal
to have the
right to enter
buildings.

Penalty.

§ 13. The fire marshal shall have the right and power to enter any dwelling, store, lumber yard, stable, manufacturing establishment or building within the limits of the city, for the purpose of examining its condition with respect to liability to accident from fire, and to ascertain whether proper precautions are taken and observed and maintained against accident from fire, and it shall be his duty to make such examinations of all business premises within the city, at least once every three months, and oftener if, in his judgment, it is necessary, and at any time, at the request of the mayor, the chief engineer of the fire department, or the secretary of the board of underwriters, giving the location. Any person resisting or seeking to prevent such entrance and examination, shall be subject to a fine of not less than twenty-five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months for each offense.

§ 14. Every person or corporation owning or using a locomotive, or engine, within the city limits, shall

provide the same with the most approved device for Precautions that must be taken in the use of locomotives and engines. arresting the sparks which might otherwise escape from said locomotive or engine; and every stationary engine used within said city limits shall be kept in an apartment, the walls of which shall be of iron, stone or Penalty. brick, and the floor of which shall be of the same material for the distance of ten feet in all directions from said engine; and any person or corporation violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months or both such fine and imprisonment, for each offense.

§ 15. No chimney shall hereafter be constructed Chimneys, material and how constructed. within the city limits of tile, or of any other material than stone or brick well laid in mortar, nor shall any chimney be built upon a wooden foundation unless the bottom of such chimney shall be one foot thick of brick well laid in lime mortar.

§ 16. Every chimney of brick or stone which may Chimneys to be plastered, &c. hereafter be erected in or adjacent to any building, shall be plastered on the inside; the aperture or top thereof shall be at least three feet above the highest part of the roof from which it issues; and the walls thereof shall be at least four inches in thickness, well laid in lime mortar.

§ 17. Any person violating either or any of the pro- Penalty. visions of sections fifteen and sixteen shall be subject

to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days.

Chief engineer
to inspect
structures,
walls, etc.,
after fires.

§ 18. It shall be the duty of the chief engineer of the fire department to inspect all buildings, structures, walls or parts of walls, which have been damaged by fire immediately after such fire, and in case any such building, structure, wall or parts of wall, shall be deemed by him dangerous, the said chief engineer of the fire department shall immediately cause such dangerous building, structure, wall or parts of wall to be removed or torn down so as to be free from such danger and to conform to the provisions of this chapter, and it shall be lawful for such chief engineer of the fire department to adopt such measures and means as he may deem expedient and necessary for public safety, to remove, tear down, destroy or otherwise dispose of all such dangerous buildings, structures, walls or parts of walls, and the expense thereof shall be paid by the city. Any person who shall resist or seek to prevent such inspection, tearing down or removal, shall be subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment, for each offense.

Shall cause
dangerous
structures to
be torn down
or removed.

Expense for
same how
paid.

Penalty.

CHAPTER XVIII.

GARBAGE AND OFFAL.

SECTION 1. The board of health of the city of Syracuse shall have power and is hereby empowered to take such measures as it shall deem effectual for the removal of garbage and offal from the city, or any portion thereof; and may employ, or make contracts with one or more persons for the removal of the same, under the provisions of the following sections:—

Board of health may have garbage removed.

§ 2. For the purposes of these ordinances the term "garbage and offal" is deemed and is hereby declared to mean every accumulation of both animal and vegetable matter, liquid or otherwise, which accumulates in the preparation of food, and all sorts of meats, fish, fowls or other vegetables which are stored or dealt in, and which are subject to decay.

Garbage and offal defined.

§ 3.* Every householder living in any tenement or dwelling house in the city of Syracuse, and the keeper of any hotel, restaurant, eating house, boarding house, or other place where meals are furnished to persons in said city, shall cause all of his or her garbage and offal to be placed in suitable covered vessels (not larger than a half barrel), in some part of his or her premises convenient for removal, or in some place designated by the superintendent of streets; at such time as the same may be called for, provided, however, that any person

Garbage to be placed in covered vessels.

*As amended April 29th, 1889.

may be excepted from the requirements of this section upon obtaining a permit to that effect from the said superintendent of streets. No boxes, baskets or other receptacles used for the purpose aforesaid shall be placed upon any street, sidewalk, crosswalk, or any other public place whatever. Any person violating any of the provisions of this section shall be subject to a fine of not less than five or more than ten dollars or to imprisonment in the penitentiary of the county for not less than five nor more than ten days, or both such fine and imprisonment for each offense.

Not to be placed upon street, etc.

Penalty.

§ 4. No person shall place in any vessel used for the deposit of garbage or offal, or mix or mingle with such garbage and offal any ashes, coal dirt, sweeping, urine, excrement or other refuse matter not designated as garbage and offal by section two of this ordinance. Any person violating any of the provisions of this section shall be subject to a fine of not less than two nor more than five dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than ten days.

Garbage and offal to be kept free from other refuse.

Penalty.

§ 5.* In case of complaint or dispute arising as to the place where vessels containing garbage and offal awaiting removal shall be put, the superintendent of streets shall forthwith designate the place or places where such vessels shall be set while awaiting such removal, and his decision shall be final.

Superintendent of streets to designate where vessels shall be kept.

*As amended April 29th, 1889.

§ 6. No person shall engage in the business of collecting and transporting garbage and offal without first having obtained a permit from the common council authorizing such person to engage in the said business in conformity with the provisions of this chapter. Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten or more than thirty days.

Must obtain permit from common council to collect or transport garbage.

Penalty.

§ 7. All garbage and offal being removed, shall be carried through said city in water tight covered wagons or carts, or in water tight covered vessels placed in wagons or carts, and shall be so loaded and transported that no part thereof shall fall or spill from such vessel or wagon; and every such wagon or cart used for the purposes aforesaid, shall be kept clean and well painted on the outside, and shall be marked with the words "Board of Health Garbage Cart," with the number of the cart, which marking or lettering shall be plainly and intelligibly exposed to public view, when such carts or wagons are in use, and no cart or vehicle shall be used for the purpose aforesaid unless the same shall have been first inspected, approved and duly licensed by the health officer of the board of health. Any person violating any of the provisions of this section, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Vehicles to be water tight and covered.

Garbage carts to be marked and inspected.

Penalty.

Unnecessary
filth forbid-
den.

§ 8. No person engaged in collecting or transporting garbage and offal, shall do or permit to be done, anything in connection therewith, that shall be needlessly offensive or filthy, in relation to any person, place, building, premises or highway. Any person violating any of the foregoing provisions of this section shall be subject to a fine of ten dollars or to imprisonment in the penitentiary of the county for ten days. All garbage and offal shall be removed once a week, during the months of January, February, March, April, November and December; twice a week during the months of May and October, and three times a week during the months of June, July, August and September.

Penalty.

When to be
removed.

When and how
disposed of.

§ 9. All garbage and offal, which shall be removed shall be deposited in such places as may be designated and approved by the board of health, and shall be disposed of in such manner as not to create a nuisance, and the covers of all carts, wagons or vessels used for the purpose of removing such garbage and offal, shall be kept tightly closed while they are being transported through the streets of the city. Any person violating any of the provisions of this section shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county for ten days.

Penalty.

Clerk to keep
records.

§ 10. The clerk of the board of health shall provide and keep a record book, in which he shall record all proceedings, votes or orders of said board, also all contracts entered into or licenses and permits issued by authority of said board. He shall also provide a

“complaint book,” which shall be kept in the office of the chief of police, in which complaints may be entered of any violation of the provisions of this chapter. On such complaints being made it shall be the duty of the chief of police or officer in charge to cause the same to be investigated within twelve hours from the time such complaint is made, and finding cause, if, after six hours’ notice, the person or persons so offending shall neglect or refuse to comply with the requirements of this chapter and with the requirements of such officer conformably to this chapter or other ordinance of the city, the said officer shall report the name and residence of the person so offending to the health officer of the board of health, who shall at once institute the proper legal proceedings against such offender.

Duty of chief of police.

§ 11. It shall be the duty of the police department to rigidly enforce all the provisions of this chapter, and it is hereby made the special duty of the patrolmen, when on duty, to take cognizance of all violations hereof, or that may be reported to them, and immediately notify the offending party and record the name and residence of said offender in the complaint book aforesaid; and if, after six hours’ notice such offender shall continue to neglect to comply with the requirements of this chapter, and with the requirements of such officer conformably to this chapter or other ordinance of the city, said patrolman shall report to the chief of police or officer in charge, who shall notify the health officer of the board of health in the manner and

Police department to enforce ordinance.

for the purposes provided in the tenth section of this chapter.

Expense to
be paid by
city.

§ 12. All expenses incurred by the board of health under the provisions of this chapter, shall be paid by the city, after the same shall be certified to by the clerk of the board of health, and duly audited by the common council.

CHAPTER XIX.

GUNPOWDER, &C.

License
required
for the keep-
ing of gun-
powder, &c.

SECTION 1. No person except when on military duty in the public service of the United States, or of this State, or in case of public celebration with permission of the mayor or common council, shall have, keep or possess in any building, or carriage, or on any dock, or in any boat or other vessel, or in any other place within the city limits, gunpowder, giant-powder, nitro-glycerine, dynamite or other explosive material, in quantity exceeding one pound, without written permission from the chief engineer of the fire department. Any person violating any of the provisions of this section shall be liable to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offense.

Penalty.

Quantity
allowed
and manner
of keeping.

§ 2. No person or corporation, or the agent of any person or corporation, shall have, keep or store any quantity of gunpowder exceeding six pounds weight

(except as provided for in section three of this chapter) in any building or place within the limits of the city of Syracuse, which said quantity of six pounds herein-before mentioned, shall be separated in stone jars or canisters, each of which shall contain not to exceed one pound of powder. Any person or corporation or the agent of any person or corporation who shall violate any of the provisions of this section, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the Penalty. penitentiary of the county for not less than thirty days nor more than three months for each offense, and to a further fine of fifty dollars for every twenty-four hours such powder shall remain in any place or manner contrary to the provisions of this section after written notice from the chief engineer of fire department to remove the same.

§ 3. It shall be lawful for any merchant or person Sale of gun powder—written permission to be obtained, conditions to be observed, etc. having a store or fixed place of business, upon written permission being granted him for that purpose by the chief engineer of the fire department, to keep for sale at his said store or place of business any quantity not exceeding one hundred pounds of gunpowder, upon condition that the same be kept in kegs or in cans or other safe vessels, which, except during business hours, shall be deposited in an iron or wooden box lined or covered with iron or other metal and marked "Powder" in plain letters, the form and construction of said box to be approved by the chief engineer of the fire department; said box, with all said powder

Not to be
sold or
exposed
except by
daylight.

Penalty.

securely enclosed therein, except during business hours as aforesaid, shall be placed on the sidewalk, near the curbstone, in front of the store or building of the person holding such permit, and where it may be conveniently removed in case of fire. No gunpowder shall be sold or exposed for sale except during daylight. Any person holding such permit of the chief engineer of the fire department, who shall keep at his store or building at one time a greater quantity of powder than one hundred pounds, or who shall violate either of the above conditions or provisions mentioned in this section, shall be subject to a fine of not less than twenty-five, nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment for each offense, and his said permit may be revoked by the chief engineer of the fire department.

Carrying
through
the streets,
etc., of
the city.

§ 4. No person shall convey or carry through any street, lane or alley of the city, any gunpowder exceeding six pounds in quantity, unless the same is secured in kegs or canisters containing not to exceed twenty-five pounds each, and sufficiently tightly enclosed to prevent any powder escaping therefrom. Said kegs or canisters shall be placed, in quantities not to exceed three hundred pounds, in wood or iron boxes, lined and so constructed that no particle of powder can escape therefrom. And said boxes shall be securely covered with canvass or iron so as to prevent the possibility of fire communicating with the powder. Any

person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment for each offense.

§ 5. No vessel or car laden in whole or in part with gunpowder, shall enter any canal or railroad within the limits of the city of Syracuse, without the written permission of the chief engineer of the fire department, which permission when granted shall designate the place where said vessel or boat shall moor or anchor or car shall be stationed, and shall prescribe the time within which said powder shall be transferred or unloaded from said vessel, boat or car, and the manner of transferring or unloading the same. The master or owner of any such vessel, boat or car, or the consignee of any such gunpowder, who shall bring or cause the same to be brought into any canal aforesaid, without such permission, or shall disobey any direction of the chief engineer of the fire department with reference to mooring or anchoring such vessel or boat or stationing of said car, or with reference to the transfer or unloading of the cargo thereof, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment for each offense.

No vessel or car containing gunpowder to enter city without written permission of the chief engineer of the fire department.

Penalty.

Chief engineer
may designate
place, etc.

§ 6. The chief engineer of the fire department may from time to time designate certain places outside of the thickly settled portions of the city, where gunpowder may be transferred from one car to another or may be unloaded from cars for the purpose of conveying the same to a powder magazine; and he may also prescribe and determine certain portions of the city within which cars loaded with gunpowder may be brought. Any person refusing or neglecting to comply with any directions of the chief engineer of the fire department, made pursuant to the provisions of this section, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars or to imprisonment in the penitentiary of the county for not less than thirty days, nor more than three months, or both such fine and imprisonment for each offense.

Penalty.

Written permit to be first obtained of the chief engineer of the fire department.

§ 7. No corporation or person shall directly or indirectly leave, keep, store or bring within the limits of the city of Syracuse, any gunpowder, giant powder, nitro-glycerine, dualine, dynamite or any other compound containing nitro-glycerine (except as provided in the preceding sections of this chapter) without a written permit first had and obtained of the chief engineer of the fire department, who shall limit the quantity of explosive articles aforesaid so to be kept and stored with reference exclusively to the accommodation of the local trade of the city and the safety of the public. Any person or persons violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than one hundred

Penalty.

dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment for each offense and a further fine of one hundred dollars for every twelve hours during which such explosive article shall remain so kept and stored as aforesaid, within the city of Syracuse, or after notice to the owner or agent of the building in which the said explosives are stored to remove the same beyond the limits of the city as required in said notice.

§ 8. If the owner or agent of the owner of any gun-powder, giant powder, nitro-glycerine, dualine, dynamite or any other compound containing nitro-glycerine, or the owner or agent of the owner of any building within the city of Syracuse, wherein the said explosive articles shall be kept or stored in violation of the provisions of the preceding section seven, shall neglect or refuse to comply with the notice requiring said explosive articles to be removed beyond the limits of the city, it shall be lawful for the mayor of the city and the chief engineer of the fire department to adopt such measures and means as they may deem expedient for public safety to condemn, destroy, remove or otherwise dispose of the dangerous articles aforesaid.

Mayor and
chief engineer
to have lawful
authority, etc.

CHAPTER XX.

HACKS.

Hacks. &c.,
to be licensed.

SECTION 1. Every person keeping, or who may, keep a hackney coach, cab or other carriage for hire for the conveyance of passengers, or any vehicle for conveying the baggage of passengers within the bounds of the city and every person owning, keeping or being in possession of such hackney coach, cab or other vehicle, which he lets for the conveyance of passengers or baggage within the city limits, which whether such hackney coach, cab or vehicle be kept, used or let for the purpose aforesaid in connection with any livery stable business or otherwise, shall obtain from the mayor a license therefor; and such license shall state the number of the coach, cab, carriage, baggage wagon or vehicle, and shall continue in force until the 15th day of April next after the date thereof. Any person keeping, or who may keep, own or be in possession of any hackney coach, cab, carriage or baggage wagon for hire, or which he lets for the conveyance of passengers or baggage as above specified, who shall not have obtained such license therefor, shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, or to both such fine and imprisonment, for each offense.

Penalty.

License fees.

§ 2. Any person procuring such license shall pay

therefor the sum of five dollars if for a vehicle with two horses attached, and three dollars if for a four-wheeled vehicle with one horse only attached, and two dollars if for a two-wheeled vehicle with one horse only attached.

§ 3. The prices which may be charged by the owners or drivers of such hacks, cabs or other carriages, are as follows : Rates of fare for coach hire.

For conveying a passenger any distance within one mile, fifty cents, and for every additional passenger belonging to the same party or family, twelve and one-half cents.

For conveying a passenger any distance over one mile within the bounds of the city, seventy-five cents, and for every additional passenger of the same party or family, twenty-five cents.

For conveying a passenger to the idiot asylum and back, or to oakwood cemetery and back, or to the salt springs and back, or to one or more of the coarse salt fields within the city and back, with the privilege of detaining the carriage while there one hour, one dollar and fifty cents, and for every additional passenger of the same party or family, twenty-five cents.

For attending a funeral from any part of the city to either of the cemeteries, three dollars.

The owners or drivers of the vehicles aforesaid may charge for every hour that the same may be detained,

excepting as aforesaid, one dollar and fifty cents for the first hour, and for the second hour one dollar ; or the passenger or passengers may use or detain the carriage all day, from 8 A. M. to 6 P. M., for the sum of eight dollars.

No charge shall be made in any case for children under seven years of age, or for the ordinary baggage allowed to passengers by railroad companies.

Penalties
for violation
of regulations.

§ 4. Any owner or driver of any hack, cab or other carriage who shall neglect or refuse to convey any passenger to any place within the bounds of the city, upon application and the tender of the requisite fee, or shall charge any additional sum for going from the stand to take up a passenger or passengers, or shall demand or receive any higher prices or rates than are herein established, or shall neglect or refuse to place upon his carriage the proper number of his license, shall be subject to a fine of not less than twenty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Penalty.

Regulations
and fees to be
kept in view.

§ 5. Any person obtaining a license, as aforesaid, shall receive, without additional charge, from the city clerk, duplicate numbers, which numbers shall be conspicuously fixed and maintained, one on each side of such carriage, and (excepting in the case of vehicles used only for the conveyance of baggage) shall also receive from said clerk, without additional charge, two cards on which shall be plainly printed the regulations

and fees established by these ordinances, which such licensed person shall maintain in such places in such carriage as to be conveniently read by passengers at all times. Any violation of any of the provisions of this section shall subject the owner, keeper or driver of such carriage to a fine of not less than ten nor more than thirty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, for each offense. Penalty.

§ 6. Any person who shall, without the license hereinbefore specified, within the corporate bounds of the city, solicit passengers or others, or their baggage, for any hack, cab or other carriage, shall be subject to a fine of five dollars, or to imprisonment in the penitentiary of the county for ten days, for each offense. Persons not to solicit coach custom without license. Penalty.

§ 7. No hackman, cab, coach, baggage, or omnibus driver shall enter any railroad depot on the arrival of passenger trains, unless he shall have a check for baggage, or unless he shall enter to take baggage into the depot; and when entering the depot with checks for baggage, he shall stand in the place directed by the depot policeman; nor shall such hackman or other driver solicit passengers or baggage while in such depot. Any persons violating any of the provisions of this section shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months. Hackmen, &c., not to enter depot, &c. Penalty.

§ 8. The open space on West Water street, known Hack stands.

as the Packet dock, and the open space on Franklin street, between West Fayette street and the tracks of the N. Y. C & H. R. R., and are hereby designated as the hack stands for this city, and all owners or drivers of hacks, cabs, omnibuses or other such public conveyances are hereby required to locate their vehicles at said places, those occupying the Packet dock to face their horses to the street in a line with the street pavement, at such a distance therefrom as not to intrude upon said street; and those occupying the stand on Franklin street are to face the east in line with the west side of said street, when not engaged in conveying passengers about the streets; provided, that the proprietors of each hotel may be allowed one hack or carriage, to be designated by number, to stand in front of such hotel, under the direction of the superintendent of streets. The superintendent of streets is hereby directed to assign positions to all vehicles. Any owner or driver of hack, cab, omnibus, or other livery or public conveyance, who shall violate any of the provisions of this section shall be subject to a fine of five dollars, or to imprisonment in the penitentiary of the county for ten days for each offense.

Penalty.

Hacks, &c.,
in which
small-pox
patients
have been
carried to
be purified.

§ 9. No hack, cab, stage, livery carriage or other vehicle used for the conveyance of passengers or their baggage, in which a person known to the owner or driver thereof to be afflicted with small-pox shall have been carried, shall thereafter be used for the transportation of any passengers or their baggage until such hack, cab, stage, livery carriage or other vehicles

shall have been thoroughly purified to the satisfaction of the health inspector, nor until he shall have so certified in writing. Any violation of the foregoing provisions by the driver or owner of such hack, cab, stage, livery carriage or other vehicle, shall subject the person guilty thereof to a fine of fifty dollars or to Penalty. imprisonment in the penitentiary of the county for not less than ten days nor more than three months for each offense.

CHAPTER XXI.

HAY.

SECTION 1. The piece of ground in the fourth ward, Hay market—weighing hay, &c., and fees therefor. bounded by Salina, Pearl and Bridge streets, shall hereafter be known as “Hay-market Square,” and is hereby designated as the stand for the sale of hay, straw, corn stalks or any such products; and loads of hay, straw, corn stalks or any such products shall not stand in or upon any other public square, street or alley, (except in the first ward) exposed for sale. Upon the entry of every load of hay, straw or corn stalks upon Hay-market square, the owner or his agent in charge thereof shall pay to the weigher of hay for each load of hay or straw twenty-five cents, and for each load of corn stalks ten cents. Every load of hay, straw or corn stalks, having paid its entrance fee, shall be entitled to full and light weight without charge for either. The hay scales or the machine erected on Hay-market square, shall be the scales for weighing

hay, straw, lime or other things within the city. For every load of lime, every draft of horses, cattle, hogs, or other articles, there shall be paid to the weigher ten cents. Any person refusing so to pay or violating any of the provisions of this section shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

Penalty.

Weigher's
office hours
and weigh
notes.

§ 2. The weigher of hay shall attend at the office daily, and when required shall weigh hay, lime or other articles for any person, provided his services are not required before sunrise nor after sunset. He shall weigh the articles offered and the vehicles on which they are loaded together, and shall, after weighing the same, give to the person who offered them for weighing a weigh-note subscribed by the weigher, setting forth the gross weight of both load and vehicle, without separately noticing the tare or weight of the vehicle, and shall affix the date of the weighing and the name of the owner of the article weighed.

Re-weighing
vehicles to
ascertain the
net weight
of loads.

§ 3. The weigher, after having weighed any load shall, without additional charge, upon request by the seller or purchaser of the load made on the same day such load was weighed, re-weigh the vehicle so as to ascertain the true net weight of the hay or other article and shall insert in the weigh-note before given, under the statement of "gross weight," the words "tare weight," with the weight of the vehicle opposite thereto in figures, and deducting the tare from the

gross weight, shall sign his name to the statement so made by him. When the load is quick-lime he shall certify the number of bushels and parts thereof in it, at the rate of seventy pounds to the bushel, and for water lime at the rate of sixty pounds to the bushel.

§ 4. Any owner or seller of hay, lime or other articles who shall neglect or refuse to have the tare ascertained as aforesaid, upon the request of the purchaser made the same day, shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county for not less than five nor more than ten days.

Refusal to ascertain tare.

Penalty.

§ 5. When any person shall apply to the weigher to weigh his wagon, cart, sled or other vehicle, not likely to injure the scale in weighing, he shall weigh the same and enter the weight thereof in a book, and shall mark if requested, on some conspicuous part of such wagon, sled or vehicle the weight of the same, such person paying therefor five cents to the weigher in addition to the fee for weighing the contents of the vehicle.

Weighing vehicles, etc.

§ 6. Any person who shall sell or offer to sell, or shall request to have weighed, any hay, lime or other article in which any improper substance has been placed, or where any improper device shall have been used to increase the weight thereof, or who shall knowingly make or alter any weigh-note or indorsement thereon, or shall, with intent to defraud, alter or pass any true weigh-note as the weigh-note of any hay, lime, merchandise, or other article, for which

Penalty for altering weight notes and placing improper substances in hay or lime.

the same weigh-note was not given, shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months.

Weigher's
endorsement
and entries.

§ 7. It shall be the duty of the weigher in every case when hay not sufficiently dry, or from any other cause may be heavier than good and merchantable hay, shall be brought to him to be weighed, to indorse a statement of the fact on the weigh-note, together with the number of pounds which in his opinion should be deducted by reason thereof; it shall also be his duty to make due entries in his books of the name of every person whose hay or lime or other articles shall be weighed by him, the day of weighing, the weight, and number of bushels of lime, etc., which book shall be open for inspection to any member of the city government when required; he shall also make a verified return to the city clerk once in each month of all receipts by him during that time, together with the number of loads of hay or lime or other articles weighed.

Not to weigh
in any other
place.

§ 8. Any person who shall offer for sale upon any of the public squares or places designated by the council as stands for the sale of hay, etc., any load of hay or other substance weighed upon private scales, (unless such load of hay or other things shall be re-weighed upon the public scales and the fees paid to the weigher,) shall be subject to a fine of three dollars or to imprisonment in the peni-

tentiary of the county for ten days for each offense. The loads of hay, straw, etc., must stand upon Hay-market square, in such place and manner as shall be designated by the weigher of hay, and any person refusing or neglecting to comply with such designation shall be subject to a fine of five dollars or to Penalty. imprisonment in the penitentiary of the county for ten days for each offense.

§ 9. Henceforth all persons are prohibited from storing hay or building hay ricks within the city limits Must obtain permission to store hay. without first obtaining permission from the mayor, common council or chief engineer of the fire department. Any person violating any provision of this section shall be subject to a fine of twenty-five dollars Penalty. or to imprisonment in the penitentiary of the county for ten days for each offense, and a further fine of five dollars for every twenty-four hours said hay remains after it has been ordered to be removed by the chief engineer or superintendent of streets.

CHAPTER XXII.

HEALTH INSPECTOR.

SECTION 1. It shall be the duty of the health in- Duties and powers of health inspector. spector to carry out the orders of the board of health or of the common council in relation to the sanitary regulations of the city, to make from time to time a thorough examination of the city, and cause all nuisances or matter liable to become such, to be abated

with all reasonable promptness. For the purpose of carrying out the foregoing requirements he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building and cause the building to be raised if necessary in order to thoroughly examine the cellar, vaults, sinks or drains; to enter upon all lots or grounds for the purpose of causing stagnant water to be drained off, pools, sinks, vaults, drains or low grounds to be cleaned, filled up or otherwise improved or amended, privies to be cleaned and kept clean, and dead animals or other nauseous things or substances to be buried or removed from the city.

Duties and
powers
continued.

§ 2. Whenever it shall appear to the satisfaction of the health inspector that there exists upon any premises, any noxious or offensive thing or substance whatever which may be a nuisance or become such, or may be injurious to health, or by noxious air annoy the neighborhood, he shall at once notify the owner or occupant of the premises where such offensive matter or nuisance is located, and if the said owner or occupant shall neglect or refuse to remove such offensive matter or abate such nuisance, within six hours after the giving of said notice, the said owner or occupant shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for thirty days, or both such fine and imprisonment, and the said health inspector may at once proceed to remove such offensive matter or abate such nuisance at as reasonable a cost as possible,

Owner or
occupant may
be arrested
for neglect
or refusal
to abate
nuisance.

Penalty.

which cost may be collected of said owner or occupant by suit in addition to the penalty above stated. Expense may be collected of owner or occupant.

§ 3. Any person who shall represent himself as a member, agent or employee of, or in any manner connected with the board of health, without being duly authorized so to do, shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense. False representations regarding board of health. Penalty.

CHAPTER XXIII.

LIQUORS.

SECTION 1. Any person who shall sell or give away any strong or spiritous liquors or wine, in quantities less than five gallons, to be drank in his or her house, store or shop, or in any out-house, yard or garden appertaining thereto, or shall suffer any such liquors or wines to be sold or given away by any person in his or her employ, or under his or her direction or authority, to be drank in his or her house or shop, or in any out-house, yard or garden appertaining thereto, or shall sell or give away, or shall keep any such wines or liquors for sale or for giving away, or keep open any house, store, shop, out-house, yard or garden, for the selling or giving away any such liquors or wines, except after being duly licensed therefor, shall be subject to imprison- Liquors and wines, not to be sold without license.

Penalty. ment in the penitentiary of the county for not less than thirty days nor more than three months, or to a fine of not less than ten or more than fifty dollars, or both such fine and imprisonment.

CHAPTER XXIV.

MARKETS.

All persons
selling fresh
meats on
public
squares, etc.,
to obtain a
license.

SECTION 1. Any person who shall by himself, his agent or servant offer for sale any fresh meats of any kind upon any of the public squares, streets or alleys of the city shall first obtain a license for such purpose from the mayor or common council and pay a fee therefor of not less than two nor more than twenty-five dollars, at the discretion of the mayor or of the common council; such license shall not be granted for a longer time than three months, and may be revoked by the mayor or common council at any time for proper cause. All wagons, sleighs or other vehicles, the owner or agent of which has procured a license for the purposes herein specified, shall stand upon Clinton square on the north side of the Erie canal, with the rear of such vehicle to the south, and sufficiently distant from the center of the street so as not to obstruct the free use of the same; and shall at all times obey the mayor, any alderman, the superintendent of streets or any policeman, as to place of standing. Nothing in this section contained shall be construed to prevent or hinder any farmer from disposing of his ordinary

Location of
meat vendors.

product of meats, either by the carcass or quarter, but is intended to restrain butchers and other persons from making the streets a daily market place. Any person violating any provision of this section shall be Penalty. subject to a fine of not less than three nor more than ten dollars or to imprisonment in the penitentiary of the county for not less than five nor more than ten days, for each offense.

§ 2. Any person exposing or offering for sale any Place for sale of meats, poultry, &c. meats or poultry from any wagon, sleigh or other vehicle, shall expose or offer the same upon Clinton square, north of the Erie canal or in Union market, and any person or persons exposing or offering for sale any grain of any kind from any wagon or sleigh or other vehicle, shall expose and offer the same on the north side of Hanover square, between the east line of Grain—, where sold. the Onondaga County Savings Bank building and the west line of Warren street or in Union market, and no person shall expose or offer for sale any meats, poultry, vegetables or farm produce or grain upon any other public square, street or alley within the city of Syracuse than as above designated, except in the first ward. Any person violating any of the pro- Penalty. visions of this section shall be subject to a fine of not less than three nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more ten days for each offense.

§ 3. Any person or persons exposing or offering for Fruits,— where sold. sale any fruits of any kind from any wagon, sled or

other vehicle, shall expose or offer the same upon Clinton square, north of the Erie canal or in Union market; and any person or persons offering or exposing fruits for sale on any other public square, street or alley within the city of Syracuse, than as above designated (except in the first ward) shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than ten days for each offense.

Penalty.

Fish,—
where sold.

§ 4. Any person who shall offer for sale any fresh fish from any wagon, sleigh or other vehicle, at any place in this city, (except in the first ward,) than on the north side of the north sidewalk on East Water street, immediately west of the first telegraph pole west of the weighlock, or in Union market shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county ten days for each offense.

Penalty.

Penalty
for re-selling
upon markets.

§ 5. Any person who shall purchase upon the place or places within this city designated as market stands, any fruit, butter, eggs, vegetables, poultry, meat, grain, or other provisions or produce, with intent or for the purpose of re-selling the same on said market, or who shall offer to re sell the same on such market stand or stands, shall be subject to a fine of not less than five nor more than twenty-five dollars or to imprisonment in the penitentiary of the county for ten days for each offense.

§ 6.* No person or corporation shall sell at retail upon any street, square or public place in the city, or hawk, peddle or vend within the corporate limits of the city any goods, wares or merchandise of any kind or description without having first obtained a license so to do from the mayor or common council, and having paid the fee therefor, as herein provided, which fee shall be not less than the minimum, nor greater than the maximum sum hereinafter directed to be paid for such license, and the said license shall continue in force from the time specified therein, said fee and the time of the continuance of such license to be fixed by the mayor or common council, provided, however, that no license shall run for a longer period than until the 15th day of April next succeeding the date of its issue.

Must obtain
license to
hawk or
peddle goods
upon streets,
etc.

Continuance
of license
and fee to be
fixed by
mayor or
common
council.

The sums to be paid on the issuing of such licenses by the persons, or corporations to whom they may be granted respectively shall cover the period of the continuance of such license as stated therein, and are hereby fixed as follows:

For a license to sell candy, pop corn, pea nuts, fruits, coffee, tea, lunches, ice cream, jewelry, patent medicines, nostrums, specifics, lotions, perfumes, extracts, stationery, or other articles from stand, platform or wagon located in any street, square or public place not less than two nor more than fifty dollars.

For a license to hawk, peddle or vend candy, pop

Fees, etc.,
from stand
or wagon.

* As amended May 29th, 1893.

corn, fruits, pea nuts, coffee, tea, lunches, ice cream, jewelry, patent medicines, nostrums, specifics, lotions, perfumes, extracts, stationery, or other articles upon the streets, squares or public places, or from house to house, on foot with basket, crate or other receptacle, or hand cart, or with horse or team and wagon, not less than one nor more than twenty-five dollars.

Fees to sell on streets, etc.

Penalty.

Every person violating any provision of this section shall be subject to a fine of not less than five nor more than fifty dollars or to imprisonment in the penitentiary of the county for not less than ten or more than sixty days, or both such fine and imprisonment.

Public weigher.

§ 7.* No person other than the public weigher shall weigh for hire on Clinton square, or any other place in the city, where the public weigher is required by the common council to perform his duties, any vegetables, farm produce, poultry, meats or other marketable articles required to be weighed.

Penalty for violation.

Any person violating any of the provisions of this section shall be subject to a fine of five dollars for each offense.

CHAPTER XXV.

MILK.

Licenses required.

SECTION 1. It shall not be lawful for any person to peddle milk or deliver the same to the inhabitants of the city, from any cart, wagon, or vehicle,

* As amended June 20th, 1892.

whatever, in any of the public squares, streets or alleys of said city, without first having been duly licensed to do the same by the mayor of said city, as hereinafter provided. Any person violating the provisions of this section shall be subject to a fine of not less than ten nor more than fifty dollars, or Penalty. to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months for each offense.

Such license may be granted and issued by the mayor of said city to any person applying there-Mayor may grant and issue license, fix fees, etc. for, upon the production of evidence satisfactory to the mayor that such applicant is able to and will furnish good, pure and wholesome milk to the inhabitants of said city, and upon the payment of the sum of not less than five nor more than ten dollars license fee for each and every wagon, cart or vehicle used by said applicant in the said business. Such license shall continue in force until the 15th day of April next after the granting of the same, and no longer.

§ 2. The mayor is hereby empowered, when it shall appear to him, after hearing, that any person Mayor may revoke license. to whom such license has been granted, has sold or delivered, or caused or permitted any person for him to sell or deliver, to any inhabitant of said city, any adulterated or unwholesome milk, or has in any way violated any of the provisions of this ordinance, to revoke any license by him so granted.

* All wagons
and vehicles
to be num-
bered.

§ 3. Every such peddler or vender of milk shall cause his wagon or vehicle to be numbered, such number to be designated and (together with the name and place of residence of such peddler) filed with the city clerk, and thereupon the city clerk shall furnish to such peddler, without further charge, duplicate numbers, which such peddler shall fasten upon his wagon or vehicle so licensed and used by said licensee in the peddling or distributing of milk in said city, one on each side thereof, so that they may be plainly seen, and shall there retain them during the life of such license. Any person who shall violate any provision of this section shall be subject to a fine of not less than five or more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months for each offense; and it is hereby made the special duty of the police officers of said city to see that the provisions of this chapter are enforced.

Penalty.

CHAPTER XXVI.

NUISANCES.

Nuisances
prohibited.

SECTION 1. Any person who shall suffer or permit any cellar, vault, private drain, pool privy, sewer or grounds upon any premises belonging to or occupied by him, to become foul, offensive or injurious to the public health, he shall be subject to a fine of not less than five nor more than fifty

dollars, or to imprisonment in the penitentiary of the county for not less than ten or more than thirty days for each offense; provided that the same has Penalty. been declared a nuisance by the board of health, and a notice in writing to abate the same has been personally served or caused to be served on the persons offending, by the clerk or other officer or member of the said board.

§ 2. Any distiller, brewer, tanner, soap boiler, Discharging foul substances upon sidewalks, &c., forbidden. tallow chandler, livery stable keeper, or other person, who shall permit the discharge or overflow from any premises or ground occupied by him or them of any foul or nauseous liquor or substance of any kind whatever, into or upon an alley, street or sidewalk in the city, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, Penalty. or both such fine and imprisonment for each offense; and a like fine for every twenty-four hours the same shall be continued after the first conviction.

§ 3. Any person who shall build, make or use, or Slaughter houses and petroleum factories not to be built without permission of common council. shall cause to be built any slaughter house, crude petroleum refinery or place for the manufacture of any article made from crude petroleum within the limits of the city, without permission from the common council first had and obtained, shall be subject to a fine of twenty-five dollars, or to imprisonment in Penalty. the penitentiary of the county for ten days, and a

like fine or imprisonment for every day the same shall be used for said purpose after written notice to discontinue the same.

Penalty of depositing or leaving offensive substances in streets.

§ 4. Any person who shall throw, place or deposit or permit any person in his or her employ to throw, place or deposit any dirt, dead animal, carrion, putrid meat or fish, entrails, shells of clams or oysters, decayed or decaying vegetables, or foul substances of any kind in or upon any sidewalk, street, alley, lane or park in the city, or shall cause or permit any such material or substance to be or remain in or upon any lot owned, used or occupied by him or her, whether so thrown, placed or deposited by him or her, or not, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense, and a like fine or imprisonment for every twenty-four hours such material or substances shall remain, after written notice to abate the same.

Penalty.

Not to allow filth to run on to other premises, or into streets.

§ 5. Any person who shall permit water, slops or any kind of foul liquid to run from his or her lot or from a lot in his or her possession, on to any other lot or into any street, shall be subject to a fine of not less than two nor more than fifteen dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than ten days for each offense, and to a like fine or imprisonment for every twenty-four hours the same

Penalty.

shall remain or continue after written notice to abate such nuisance.

§ 6. Any person who shall permit slops, water or other liquid matter to stand or remain upon any lot owned or occupied by him or her, or upon any lot of which he or she has control as tenant or agent or otherwise, until the same becomes offensive or stagnant, shall be subject to a fine of not less than three nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five or more than ten days for each offense, and to a like fine or imprisonment for every day the same shall remain, after written notice to remove the same.

Filth not permitted to remain upon lots.

Penalty.

§ 7. Whenever the owner, occupant or the agent of the occupant of any premises, in or upon which any nuisance may be found, are unknown or cannot be found, the board of health shall proceed to abate such nuisance, and the expense of such abatement may be collected by suit against the owner, agent or occupant, in the name of the city, or the same may become assessed and become a lien upon the property, as in the case of the assessment of sewers, in which case it shall be the duty of the clerk of the board of health to report to the common council the whole amount of the expenses attending the abatement, with as full a description of the premises as may be, with the name of the owner, agent or occupant when known; whereupon

Board of health to abate nuisances on lots of unknown owners.

Expense—how collected.

the common council shall, by resolution, direct the assessors to assess the same upon the premises. Such further proceedings shall then be had as in the case of sewer assessments.

Injury to
public
waters
prohibited.

§ 8. Any person who shall throw, cast or deposit, or cause to be thrown, cast or deposited into or upon the margin of any canal, creek, or other public waters within the city limits, any animal or vegetable substance, or foul substance of any kind whatever, shall be subject to a fine of not less than five nor more than twenty dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, or both such fine and imprisonment, for each offense.

Penalty.

Tenants to be
removed when
required by
board of
health.

§ 9. Whenever upon due examination it shall appear to the board of health that the number of persons occupying any tenement or building within the city is so great as to be in the opinion of said board a cause or source of bad health or of sickness, said board may issue its warrant commanding the owner or owners of such tenement or building to remove such number of his or their tenants from such tenement or building as may be required by said board, within such time as said board shall name. Any person neglecting or refusing to obey promptly such command shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and im-

Penalty.

prisonment, and a like fine or imprisonment for each day such person shall neglect or refuse, as aforesaid, after the first conviction.

§ 10. No person shall hereafter be allowed to clean or remove the contents of any privy, vault, cesspool, sewer or drain, or to transport or to carry the contents thereof through the streets of the city without first having obtained a permit from the board of health. Contents of privy, cess pool, etc., not to be removed without permit of board of health.

Any person who shall violate any of the provisions of this section shall be subject to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for Penalty. not less than ten days nor more than three months, or to both such fine and imprisonment.

CHAPTER XXVII.

OFFENSES AGAINST THE PUBLIC PEACE AND QUIET.

SECTION 1. Any person who shall make or assist Noise, riot or disturbance in streets. in making any improper noise, or any disturbance, or commit any breach of the peace in the streets or elsewhere in the city, and all persons who shall collect in bodies or crowds in the streets or on the sidewalks for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens or travelers, shall be subject to a fine of not less than five nor more Penalty. than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten days nor

more than three months, or to both such fine and imprisonment, for each offense.

Disturbing
religious
meetings.

§ 2. Any person who shall disturb or disquiet any congregation or assembly of people met for religious worship, by making a noise or by rude and indecent behavior, or profane discourse, within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, shall be subject to a fine of not less than five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than sixty days, or to both such fine and imprisonment.

Penalty.

Indecent
language, &c.

§ 3. Any person who shall use any scandalous, lewd, or otherwise indecent language to any other person, or of or concerning any other person, in the hearing of others, or shall make any immodest, lewd, or otherwise indecent sign or gesture, or commit any other immodest, lewd, or indecent act or in the known presence of any other person, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Penalty.

Abuse and
annoyance
of others.

§ 4. Any person who shall conduct himself in a noisy, boisterous, rude, insulting or otherwise disorderly manner, by either words or acts, toward any other person, with intent to abuse or annoy such person, or so as to annoy the citizens of the city, or any portion thereof, and disturb the good order and

quiet of the same, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment. Penalty.

§ 5. Any person who shall immoderately ride or drive any horse or other animal whether attached to a private or public ambulance or other vehicle in any avenue, street, alley or lane in the city, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days. Immoderate driving and riding. Penalty.

§ 6. Any person who shall solicit alms in the city for any purpose whatever, without permission from the mayor, shall be subject to a fine of two dollars or to imprisonment in the penitentiary of the county for ten days for each offense. Soliciting alms. Penalty.

§ 7. Any person who shall carry about his or her person any dirk, bowie knife, sword or spear, cane, pistol, revolver, slung shot, jimmy, brass knuckles, or other deadly or unlawful weapon, or shall use any deadly or unlawful weapon, with intent to do bodily harm to any person, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor longer than three months, or to both such fine and imprisonment. Carrying of deadly weapons. Penalty.

Ring-
ing of
gongs and
bells.

§ 8. Any person who shall ring any gong or bell or cry any auction in any street, lane or alley, or upon any sidewalk, or upon any piazza, step or platform immediately adjoining any sidewalk, lane or alley in the city of Syracuse, or any tenant or occupant of any dwelling who shall suffer any gong or bell to be rung as a call or signal upon any street, lane, alley or sidewalk, or upon any piazza, steps or platform immediately adjoining any sidewalk in said city, shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

Penalty.

Playing ball,
flying kites,
&c.

§ 9. Any person who shall play ball, beat, knock, or drive any ball or fly any kite in any public street, square or park in said city, or coast or slide down any sidewalk or street upon any sled, sleigh or board without permission by a resolution of the common council, shall be subject to a fine of not less than two nor more than five dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than ten days for each offense.

Penalty.

Desertion
of wife or
children.

§ 10. Any person who shall threaten to leave his wife or children a burden on the public, or any person who shall actually leave his wife or children without providing for their support, or who shall neglect or refuse to support his wife or children shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the

Penalty.

county for not less than ten days nor more than three months, or both such fine and imprisonment.

§ 11. Any person who shall be in a state of intoxication in any highway, street, alley or public place in the city, or in any private house or place, to the annoyance of any person or citizens, shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days. Intoxicated persons in streets or public places. Penalty.

§ 12. Any person who shall indecently exhibit any stallion within the city shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense. Indecent exposure of stallion. Penalty.

§ 13. Any person carrying advertising boards or placards through the streets or on the sidewalks of this city, without the permission of the mayor or common council, shall be subject to a fine of three dollars or to imprisonment in the penitentiary of the county for not less than five nor more than twenty days for each offense. Carrying placards forbidden. Penalty.

§ 14. No sleigh of any kind, without bells attached thereto, shall be used or drawn in or through any of the streets of this city, and any person violating the provisions of this section shall be subject to a fine of not less than two nor more than ten dollars or to im- Driving sleighs without bells. Penalty.

prisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

Throwing
stones, &c.,
forbidden.

§ 15. Any person who shall fling or throw any stone, pebble, ice or snow ball, or any hard or hurtful substance or thing by hand or foot, or by any instrument within the bounds of the city, shall be subject to a fine of not less than two nor more than five dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days.

Penalty.

Parading in
streets, etc.,
forbidden
without per-
mission of
common
council or
mayor.

§ 16. All persons, societies and organizations of every name and nature, are hereby prohibited from assembling, congregating, parading or marching in or through any of the streets, squares, parks or other public places in the city of Syracuse, with or without banners, transparencies or other devices without the permission of the common council or the written permission of the mayor. Every person offending against the provisions of this section shall be subject to a fine of not less than five or more than ten dollars, or to imprisonment of not less than ten nor more than thirty days in the penitentiary of the county for each offense.

Penalty.

Selling of
papers, etc.
on Sunday.

§ 17. No person (except licensed vendors of milk) who shall offer for sale any newspaper, article of food or other thing upon Sunday, shall within the city proclaim such sale by sounding a bell, gong or other device or by crying out or shouting the same. Any person violating any of the provisions of this section shall be subject to a fine of not less than two nor more

Penalty.

than ten dollars, or by imprisonment in the penitentiary for not less than five nor more than thirty days for each offense.

§ 18.* Any person or persons who shall operate, play or perform, or shall assist or take part in operating, playing or performing on any organ, bugle or other musical instrument in or through any of the streets, squares, parks or other public places in the city of Syracuse, without the permission of the common council or the written permission of the mayor, shall be guilty of a misdemeanor, and any person or persons violating the provisions of this section shall be subject to a fine of not less than ten or more than fifty dollars, or to imprisonment of not less than ten or more than thirty days in the penitentiary of the county for each offense.

Playing of musical instruments on streets or public places.

Penalty.

CHAPTER XXVIII.

ORDINANCES.

SECTION 1. All ordinances and all amendments thereto passed by the common council shall be published at least once in the official papers of the city, and in such other of the city papers as the common council may direct, provided said common council shall deem publication in such official papers insufficient, and all such ordinances and amendments which shall duly become laws shall be engrossed or

Ordinances to be published and recorded.

*As amended June 17th, 1889.

recorded in a book kept specially for that purpose. This record shall be entitled "Record of Ordinances of the City of Syracuse," shall have proper marginal references and an index, and shall be kept in the office of the city clerk subject to the inspection of the citizens.

Repeal of
a repeal does
not revive.

§ 2. When any ordinance repealing a former ordinance, or any clause or provision thereof shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein expressly so provided.

When to take
effect, duty
of police.

§ 3. All ordinances shall take effect from and after the date of their first publication, and it is hereby made the duty of the police department to duly enforce any and all such ordinances as naturally belong to and come under the supervision of such department; and upon due proof that any policeman has been aware, or has received any information of any violation of any city ordinance, without taking due notice of and action thereon, it shall be sufficient cause for the removal from office of such policeman.

Mayor may
present copy
of ordinances
to other cities.

§ 4. The mayor shall have power to extend or reciprocate courtesies to or of other cities, by presenting them a volume of the revised ordinances of this city, bound at the expense of the city in such manner as to him may seem suitable.

Ordinances
in relation to
cartmen and
hacks not to
apply in
certain cases.

§ 5. Nothing contained in the ordinance relating to cartmen shall be construed to prevent the owner or owners of any cart, carriage, wagon or other vehicle

from using such cart, carriage, wagon or vehicle for any purpose whatever connected with his or their individual business or affairs, nor in the case of any person moving his goods and chattels to any place outside of the city limits or from any place outside such limits, to any point within such limits, to prevent any person, whether licensed or not, from so conveying or moving such goods and chattels.

§ 6. The violation of any ordinance of the city being a misdemeanor, any person or persons convicted thereof shall, unless the penalty thereof is limited to a certain amount of money as a fine, or to a certain length of time for imprisonment, be subject to a fine in any sum of money not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment, in the discretion of the magistrate before whom such conviction takes place.

Penalties
for violation
of ordinance
when not
limited, to
be in discre-
tion of
magistrate.

CHAPTER XXIX.

PARKS AND PUBLIC GROUNDS.

SECTION 1. Any person who shall cut down, destroy or willfully break, mutilate or injure, or aid or assist in breaking, mutilating or injuring any fence, trees, shrubbery or fixture now or hereafter erected, made, planted, set out or being in or upon any of the streets, places, parks or public squares of the city, or do any willful damage thereto, shall be subject to a

Injuring
trees and
shrubbery.

Penalty. fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Parks not
to be used
for bleach-
ing, etc.

§ 2. Any person who shall use any park or public place as a bleaching ground, or spread thereon any articles of wearing apparel, cloth or cloths, or any goods whatever, or shake, beat or cleanse any carpets, cloth or mats therein, or hang any clothing or other articles upon, or tie or fasten any horse or other animal to the fence surrounding or any tree within the

Penalty. same, shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, for each offense.

Injuring
grass.

§ 3. Any person who shall cut, tread down, pull up, trample upon or injure the grass growing in any park of the city, or stand, lie, or walk upon any part of such park, which is or may hereafter be laid out and appropriated for grass or shrubbery, shall be subject to a fine

Penalty. of three dollars or to imprisonment in the penitentiary of the county for not less than five nor more than ten days for each offense.

Destroying
birds or
their nests.

§ 4. Any person who shall climb, or throw stones or other material, or shoot into any tree in any park, public square, street or lane within this city, for the purpose of killing or frightening birds, or who shall attempt to carry off the young birds, or in any manner disturb the nest or nests of birds in any of the trees as

aforsaid, shall be subject to a fine of three dollars or Penalty.
to imprisonment for ten days in the penitentiary of the
county.

CHAPTER XXX.

PAWN-BROKERS.

SECTION I.* No person shall carry on the business Must obtain license.
of a pawn-broker within the city of Syracuse without
having obtained a license so to do under the provisions
of this chapter. Any person violating any provision
of this chapter shall be subject to a fine of not less
than fifty nor more than one hundred dollars, or to Penalty.
imprisonment in the penitentiary of the county for not
less than thirty days nor more than three months, or
to both such fine and imprisonment, and a further fine
of one hundred dollars for each day he or she shall Further fine for continuance of business.
continue in such business after the first conviction,
without having a license therefor. The mayor or
common council may grant to any person applying Mayor or council may grant license.
therefor, and producing satisfactory evidence of good
character, a license to carry on the business of pawn-
broker, which license shall expire on the 15th day of
April next after the granting thereof. All licenses Licenses expire on 15th of April.
shall be signed by the mayor and city clerk, and every
person receiving such license shall pay therefor to the
city clerk, for the use of the city of Syracuse, the sum
of fifty dollars.

*As amended October 27th, 1890, and further amended June
26th, 1893.

Must give
bonds.

Every person so licensed shall enter into a joint and several bond, to the city of Syracuse, with two sureties, to be approved by the mayor, in the penalty of five thousand dollars, conditioned for the observance of the ordinances of the city of Syracuse, the faithful discharge of his duties as a pawn-broker and the accounting for and paying over all moneys which he or she shall be liable to pay as such pawn-broker to the city of Syracuse or to any person. The mayor shall have power to revoke the license of any pawn-broker at any time, upon the recommendation of the chief of police.

Mayor may
revoke
licenses.

Must keep
record of
articles, etc.,
pawned.

§ 2. No person engaged in the business of pawn-broker shall keep more than one house, shop or place for taking goods to pawn, by virtue of one license, but persons in partnership, carrying on the trade together as pawnbrokers in one house, shop or place, need procure but one license. Every pawn-broker shall keep a book in which shall be plainly written at the time of each loan, an accurate account and description of the goods, article or thing pawned, the amount of money loaned thereon and the date at which said loan will be due, the date of pledging the same and the name, residence and description of the person pawning or pledging the said goods, article or things. The said book shall be kept clean and legible, with no entry therein erased, obliterated or defaced and shall at all times be open for the inspection of any officer of the city of Syracuse. Every pawn-broker shall, at the time of each loan, deliver to the person pawning any goods, articles or things, a memorandum, signed

Record open
for inspection
of the officers
of the city.

by him or her, containing a copy of the entry in the book herein provided for, and no charge shall be made for such memorandum. Every person shall exhibit for inspection, at any time upon the request of any officer of the city of Syracuse, any personal property that may be pawned or pledged or left with him or her on deposit. Any person violating any of the provisions of this section, shall be subject to a fine of not less than ten or more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Shall exhibit
articles
pawned for
inspection
by any officer.

Penalty.

§ 3. No pawn-broker shall demand or receive more than the following rate of interest, viz: On sums not exceeding two dollars, twenty-five cents; on sums above two dollars and not exceeding four dollars, thirty-five cents; on sums above four dollars and not exceeding twenty-five dollars, ten per centum per month; on sums above twenty-five dollars and not exceeding fifty dollars, six per centum per month; on sums above fifty dollars and not exceeding seventy-five dollars, three per centum per month; and no greater rate of interest shall be demanded or received upon loans made for a longer or shorter period, and the said rates of interest shall be in full satisfaction of all charges, except for insurance placed upon goods at the request or consent of the owner. Any persons violating any of the provisions of this section shall be subject to a fine of not less than ten nor more than twenty-five dollars or to imprisonment in the peniten-

Rate of
interest.

Penalty for
violation.

tiary of the county for not less than ten nor more than thirty days for each offense.

Article pledged cannot be sold for four months after expiration of time.

§ 4. No pawn-broker shall sell any pawn or pledge, until the same shall have remained in her or his possession at least four months after the expiration of the time stated for the payment of the money loaned thereon, nor until the expiration of the notice provided for in section five of this chapter, nor until after fully complying with the provisions of said section five. In case any goods, articles or things, which have been pawned, shall not be redeemed at the time the money loaned was due, and the pawnor or person acting therefor, shall at any time within three months thereafter tender to the pawn-broker the memorandum therefor together with the principal money loaned and the interest thereon to the date of such tender, at the rates specified in the third section of this chapter, the pawn-broker shall immediately deliver to such person or pawnor the goods so pawned, or the value thereof.

In case goods or articles are not redeemed.

Chief of police to appraise value of pawned goods,—pawn-broker is unable to deliver.

The chief of police shall have the right, power and authority, and it is hereby made his duty, to appraise the value of any pawned goods which such pawn-broker may be unable to deliver upon payment of charges thereon, and the appraisal made by the chief of police shall in all cases be final and conclusive to all parties, and the pawn-broker shall immediately pay to such pawnor or person the amount so appraised. Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprison-

Penalty for violation.

ment in the penitentiary of the county for not less than thirty days nor more than three months for each offense.

§ 5. If any pawn or pledge shall remain unredeemed for a period of at least three months after the expiration of the time stated for the payment of the money loaned thereon, the pawn-broker having possession of the same, may give notice to the person or persons pledging the same, of his or her intention to declare the pledgor's title to the pledge or pawn forfeited. Such notice shall be either written or printed, addressed to the pledgor, signed by such pawn-broker, and must state, in substance, the intention of such pawn-broker to declare the pledgor's title to the pawn or pledge, describing the same, forfeited at a specified hour on a specified day not less than one month from the service of the notice, as hereinafter provided, unless redeemed prior thereto. Such notice must be served at least one month prior to the day of forfeiture in the following manner, viz :

Must give three months notice,—to dealers title forfeited.

Notice must be addressed to pledgor.

First—By delivering to and leaving with the pledgor a copy of said notice, or

Notices—how served.

Second—By depositing in the postoffice at Syracuse, N. Y., a copy of said notice, enclosed in a securely closed post-paid, registered wrapper, directed to said pledgor, at his place of residence, as it appears in the book to be kept by pawnbrokers as provided by section two of chapter thirty, of the ordinances of the

city of Syracuse, if the same be his last known place of residence, and if not, then to his last known place of residence.

Shall keep a
record of all
notices served.

Every pawnbroker shall keep a book in which he shall enter a record of all notices served as above provided, including the date and manner of service and the name of the person making the same, which book shall at all times be open for the inspection of any officer of the city of Syracuse.

Articles
pawned may
be redeemed—
now.

If, at any time prior to the hour of forfeiture designated in said notice, the pawnor or any person acting in his stead, tender to the pawn-broker a memorandum for the article, or articles, pawned, together with the principal money loaned, with interest thereon to the date of such tender, at the rate specified in the third section of this chapter, the pawn-broker shall immediately deliver to such person, or pawnor, the goods so pawned, or the value thereof. If such tender is not made prior to the hour of forfeiture designated in such notice, then the title to the pawn or pledge vests in the pawn-broker, absolutely free and clear of all right or redemption.

When title is
vested in
pawnbroker.

Must post
rates of inter-
ests in place
of business.

§ 6. Every pawnbroker in the city of Syracuse shall cause to be printed in large type, in the English and German languages, the rates of interests authorized by this chapter, and shall place a card or table of said rates, printed as herein required, in a conspicuous part of the office, or place where pawn-broking business is carried on, so as to be visible to all persons pledging

goods. No pawn-broker shall receive any goods in pledge from any person who shall be actually or apparently under the age of twenty-one years, or intoxicated, or an habitual drunkard; nor shall any pawn-broker employ any person under the age of sixteen years to take in any pledge, nor shall he, or any of his employees, receive any goods in pawn or pledge, before seven o'clock in the morning or after eight o'clock in the evening, or on Sunday. No pawnbroker shall knowingly take in, pawn or pledge from any journeyman mechanic, apprentice or servant, a partly manufactured article for wear or consumption, or otherwise, or any material plainly intended for the manufacture of said articles.

Persons under twenty-one years, or intoxicated cannot pawn articles.

Broker shall not employ person under sixteen years to take pledges.

Articles prohibited from pledge.

Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months for such offense.

Penalty for violation.

§ 7. Every pawn-broker licensed under the provisions of this chapter shall before 10 o'clock in the forenoon of every business day report to the chief of police upon blank forms to be furnished by the police department, giving a description of all the articles received in pawn during the business day last preceding, together with the number of the pawn ticket, or memorandum issued therefor, the amount loaned thereon, and a description of the person making the pledge;

Pawnbrokers must report to chief of police daily.

In case
articles
pawned are
stolen.

and in case any of said articles so received in pawn shall be found to have been stolen, then said pawnbroker shall upon request from the chief of police report in writing the name and residence of the person or persons pledging said article. Any person violating any of the provisions of this section shall be subject to a fine of not less than ten nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, or both such fine and imprisonment, and in case of conviction shall forfeit his or her license.

Penalty.

CHAPTER XXXI.

PETROLEUM.

Keeping of
forbidden,
exceptions.

SECTION 1. No person shall keep on sale or store in any place or building within the corporate limits of the city of Syracuse, any crude petroleum, earth or rock oil, or any of its products, except under the following provisions :

How
stored, &c.

§ 2. Crude petroleum, earth or rock oil, or any of its products, may be stored in detached and properly ventilated warehouses, the exterior walls of which shall be of stone, brick or iron, specially adapted to the purpose, by having raised sills at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or adjoining land, in such manner as to effectually prevent the overflow of such substances beyond the premises, where the same may be kept or stored ; which said warehouse shall not be

occupied in any part as a dwelling, and if less than fifty feet from any adjacent building, the same must be separated by a brick or stone wall, at least ten feet in height and sixteen inches thick. Any person storing any of the material in this section mentioned, in any other place and manner than herein provided, or in any manner violating any of the provisions of this section, Penalty. shall be subject to a fine of not less than fifty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

§ 3. No refined petroleum or kerosene oils shall be Test, &c. kept upon sale or stored within the corporate limits of said city, the fire test of which shall be less than one hundred and ten degrees Fahrenheit; said test shall be determined by the chief engineer of the fire department, using G. Tagliabue's or other improved instruments; and the barrels or packages containing the same shall be legibly stamped or marked with said engineer's official stamp or mark. When stored above Manner of storing, &c. the cellar or basement of any store or building, and in barrels of not over forty-five gallons each, or metallic vessels or tanks, for the convenience of retailing, the quantity of such refined oil stored shall not exceed the contents of ten barrels. When packed in hermetically sealed metallic packages, the quantity so stored shall not exceed one hundred barrels. When stored in cellars or basements surrounded by walls of brick or stone, at least two feet below the level of the sidewalk,

street or land adjacent, the quantity so stored shall not exceed the contents of one hundred and fifty barrels, unless stored in warehouses specially adapted to that purpose, as provided under section two of this chapter; provided, also, that no quantity of said oils greater than five barrels shall be stored or kept in any building occupied in any part thereof as a dwelling. Benzine or naphtha may be kept stored under the provisions of this section, as follows: when stored in or above the cellar or basement the quantity so stored shall not exceed the contents of ten barrels; when stored in a building any part of which may be occupied as a dwelling, the quantity so stored shall not exceed three barrels, provided that nothing in this chapter contained shall prevent the storage of crude or refined petroleum in wrought iron tanks detached from any building, and specially adapted to that purpose, or in other tanks so constructed that the top shall be at least two feet below the level of the street or adjoining land, and covered with at least one foot of earth, when such tanks are appurtenant to or connected with a refinery, with the approval of the chief engineer. Any person violating any of the provisions of this section shall be subject to a fine of not less than fifty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Penalty.

Not to remain
on sidewalk.

§ 4. In no case shall any of the articles recited in this chapter be allowed to remain on any sidewalk beyond the front line of any building, or any street a

longer time than is actually requisite for the storage, shipment or delivery of the same, nor after sunset. Any person violating any of the provisions of this Penalty. section shall be subject to a fine of not less than ten nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days or more than three months, or to both such fine and imprisonment.

§ 5. It shall be the duty of the chief engineer to Chief engineer to report any violation of this chapter to corporation counsel. make an examination of all premises wherein either of the articles mentioned in this chapter may be kept or stored, and to report any violation of the provisions of this chapter at once to the city attorney to enforce the same.

§ 6. No person shall sell at retail any kerosene, or Not to sell kerosene, &c., without license. other products of petroleum, or any of the fluids or oils enumerated in the third section, to be used for heating, illuminating or other purpose, without first obtaining a license therefor from the board of fire commissioners of the city of Syracuse, under the rules and regulations herein and hereby prescribed, which license shall be for one year, and shall not be transferable. Said license shall be posted in a conspicuous place in the store or place of business of the person or persons to whom the same is issued, and may be revoked for cause by said commissioners. Any person Penalty. violating any of the provisions of this section shall be subject to a fine of not less than twenty-five nor more than fifty dollars, or to imprisonment in the peniten-

tiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment for each offense.

Changing
mark.

§ 7. Any person who shall in any manner change the mark so put upon such barrel or package by the chief engineer or shall knowingly put upon such barrel or package a false or fraudulent mark, or who shall fraudulently purchase or sell any empty barrel or package aforesaid, with the inspection marks thereon, with intent to defraud, or who shall fraudulently use any barrel or package so marked for the purpose of selling any other article of a quality or quantity different from that so inspected and marked on the barrel, shall be subject to a fine of not less than fifty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment for each offense.

Selling
marked
empty
packages.

CHAPTER XXXII.

PHYSICIANS.

Physicians'
certificates.

SECTION 1. Every physician practicing his profession within the corporate limits of the city, in case of the death of any patient while under his care, shall give to the friends of the deceased a certificate, stating name, nativity, age, and cause of death of the deceased, and upon failure to give such certificate shall be subject to a fine of five dollars or to imprisonment

Penalty.

in the penitentiary of the county for not less than ten nor more than thirty days for each offense. Such certificate shall be presented to the sexton of any cemetery within the city limits or to an undertaker for record, on application being made for services.

CHAPTER XXXIII.

POISONS.

SECTION 1. Any person who shall vend, give away or deliver in the city any deadly poison, knowing the same to be such, without marking the same in legible characters "poison," shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, or to both such fine and imprisonment for each offense.

Poisons to be marked.

Penalty.

CHAPTER XXXIV.

POLICE.

SECTION 1. Every person appointed to the office of policeman shall be a citizen of the United States, and at the time of his appointment a qualified voter of the city and capable of speaking, reading and writing the English language.

Qualifications of policemen.

§ 2. The police officers shall not engage in any business which may withdraw their attention from the public service or unfit them for the duties required of

Policemen to devote their time and services to the city.

Mayor or
chief of police
may detail for
special duty.

them, and they shall not absent themselves from duty without the permission of the chief of police. The policemen are expected to be usually employed in regular service, but the mayor, or chief of police, whenever in the opinion of either the public service requires it, may detail any number of policemen for any special or particular duty connected with the police service of the city, and may require any policeman to do duty at any time of the day or night.

Neglect of
duty, or viola-
tion of rules.

§ 3. Any policeman who shall neglect or refuse to perform any duties required of him by the ordinances of the city or the police rules, or who shall in the discharge of his official duty be guilty of any fraud, extortion or oppression, favoritism, partiality, or willful wrong, may be removed from office, and shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Penalty.

Resisting an
officer, &c.

§ 4. Whoever in the city shall resist any police officer or member of the police department in the discharge of his duty, or shall in any way interfere with or hinder or prevent him from discharging his duty as such officer or member, or shall offer or endeavor to do so, and whoever in any manner shall assist any person in custody of any police officer or any member of the police department to escape, or attempt to escape from such custody, shall be subject to a fine of not less than ten nor more than one hundred dollars, or

Penalty.

imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

§ 5. It shall be the duty of all persons in the city when called upon by any police officer or other member of the police department, to promptly aid and assist him in the execution of his duties. Whoever shall neglect or refuse to give such aid and assistance shall be subject to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Citizens to aid police if requested.
Penalty.

§ 6. Any person who shall falsely represent any of the members of the police department of this city, or who shall maliciously or with intent to deceive, use or imitate any of the signs, signals or devices, or shall publicly wear the insignia or badge of that department, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Personating or imitating policemen.
Penalty.

§ 7. It shall be the duty of the policemen to disperse all idle or vicious persons who may be found collected on the corners of the streets or elsewhere in the city, and to protect citizens while passing along the streets, or into or out of any public hall, from insult or annoyance from idle, dissolute or vicious persons.

Policemen to disperse idle or vicious persons.

CHAPTER XXXV.

PORTERS AND RUNNERS.

Porters and runners to obtain license, wear badges, etc.

SECTION 1. Any person of good moral character, on application to the mayor, in writing, shall be entitled to a license to act as public porter and runner, upon the payment of a license fee of one dollar. All licenses so granted shall expire on the fifteenth day of April next after the granting thereof. Every person so licensed shall wear a badge with the name and number of his license plainly engraved or printed thereon, visible at all times to the person employing him. Any person violating any of the provisions of this section, or any person who shall act as a public porter or runner without having first obtained such license, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days.

Penalty.

Keepers of hotels may have license revoked and be entitled to another.

§ 2. The keeper or keepers of any public house or hotel, who shall have obtained a license for any porter or runner in his, her or their employ may have the same revoked and be entitled to another license for the remaining portion of the year without additional fee therefor; provided that no such license shall be changed or transferred to any other hotel or public house without an order from the mayor, or the committee of the common council on licenses; and each and every keeper of such hotel or house shall be per-

sonally liable for each and every violation of the ordinances in reference to "porters and runners," when committed by any porter or runner in his, her or their employ, or who shall be acting under the license granted to any such hotel or public house keeper.

§ 3. Any porter or runner who shall at any railroad depot or station, or at any other place, make use of device, deceit, imposition or false representation in relation to the charge of fare, character, custom or location, of any public house, hotel or private house, or street, place of business, locality or number whatever in said city, or in relation to the time or place of the arrival or departure of any boat, stage, omnibus or railroad car or train, or other conveyance, to any stranger, non-resident or citizen, or who shall at any time or place when engaged in his employment, or at any time in any railroad depot or station, make use of any language or commit any act calculated to disturb the public peace or good order of the place, or vex or disturb strangers or citizens, shall be subject to a fine of not less than five dollars nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten days nor more than three months, or to both such fine and imprisonment.

Porters and runners not to misrepresent, or make use of boisterous language.

Penalty.

§ 4. Any license granted pursuant to the provisions of this chapter may be revoked by the mayor on complaint made after an investigation of the case by him.

Mayor may revoke license.

Porters and
runners—
regulations at
depots.

§ 5. Every porter or runner, on entering any railroad depot, shall wear the badge required in section one of this chapter, and shall stand where the depot policeman directs, and receive checks for baggage from passengers at such stand and at no other place. Every porter, runner, hackman, or driver of a cab, coach, baggage wagon or omnibus shall obey all rules or regulations made from time to time, by any railroad company for the government and good order of their respective depots, offices and passenger reception rooms. Any person violating any of the provisions of this section shall be subject to a fine of not less than two nor more than fifty dollars, or imprisonment in the penitentiary of the county for not less than ten days nor more than three months.

Penalty.

CHAPTER XXXVI.

POULTRY.

Poultry, &c.,
to be drawn.

SECTION 1. Any person exposing or offering for sale within the city limits any turkeys, chickens, geese, ducks, wild game or other description of poultry, which have not been fresh drawn and have not the heads taken off, shall be subject to a fine of ten dollars, or to imprisonment in the penitentiary of the county for thirty days for each offense.

Penalty.

CHAPTER XXXVII.

RAILROADS AND STEAMBOATS.

SECTION 1.* No railroad company whose cars are propelled by steam power, and no street surface railway company shall propel its cars within the city limits at a greater rate of speed than one mile in eight minutes, and any engineer, motorman, driver or other employee in the employ of any railroad or street surface railway company who shall violate this ordinance shall be subject to a fine of not less than twenty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or both such fine and imprisonment for each offense.

Speed of
steam and
street cars
in city.

Penalty.

§ 2. No locomotive, car, or train of cars shall be permitted to remain or be left standing in, across or upon any public street, street crossing, alley or public grounds within the city, nor shall any railroad company or its employees shift any cars, locomotives or trains, or make up or divide trains upon, across or along any of the streets of the city, nor shall any steam whistle be blown or steam discharged from any locomotive, or from any engine attached to any boat or vessel, to the annoyance of horses or citizens within the city limits. Any violation of any of the provisions of this section shall subject the person or company owning or operating or any person in charge of such

Obstructing
crossings or
blowing steam
and whistles
forbidden.

*As amended September 8th, 1891.

locomotive, engine, boat, vessel, car or train of cars, or any person in the employ of any railroad company, or in the employ of the owner of any such boat or vessel, who has authority or power to remove or control such locomotive, engine, car, train of cars, boat or vessel, or the use of steam in such locomotive or engine, to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Penalty.

Railroad
companies
to remove
snow.

§ 3. Any railroad company occupying any railroad track which traverses any street in this city shall at all times keep the snow on such street removed therefrom, or so leveled as to render the said street free from obstructions to public use and travel, and from any danger to person and property. In case of any violation of the provisions of this section, any officer or employee of such company who has charge of or possesses or exercises any control over the said tracks, shall be subject to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Penalty.

Jumping on
cars when
in motion
forbidden.

§ 4. No person shall step or jump upon or off the step or platform of any car while the car is in motion, within the city limits, nor in any manner hang upon or to any step, platform, railing, bumper or coupling of any car or locomotive while such car or locomotive

is in motion, nor pass between the cars of any stationary train unless such cars are uncoupled and a space is left for the purpose. Any person violating any of the provisions of this section shall be subject to a fine of Penalty. five dollars or to imprisonment in the penitentiary of the county for ten days for each offense.

§ 5. No car on any street railroad in the city shall be allowed to stop on a crosswalk or at any street crossing, except to avoid collision or other accident, Street cars not to stop on crosswalks, etc., except to avoid accident. and no such car shall stop to receive or let off passengers at any cross street except at such points where the entire car and horses thereto attached shall be outside the limits of such cross street, nor shall any detached car be left standing in any public street or alley. Any violation hereof shall subject the superintendent, conductor or driver in charge of such car to a fine of not less than five nor more than twenty dollars, Penalty. or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

§ 6. Every owner or person managing any steam yacht or steamboat, which may be used for pleasure or the conveyance of passengers or for towing any boat or vessel upon which passengers may be carried to or from the city shall, forthwith and hereafter, on or before the first day of May in each year cause the boiler and the attachments thereto of such steam yacht or steamboat to be thoroughly examined by a competent inspector to be designated by the mayor, and shall obtain from such inspector a certificate showing that Boiler on steam yachts or steamboats to be examined, etc.

Certificate to
be posted.

such boiler and its attachments have been inspected and that they are in a safe condition for use, and shall cause such certificate to be conspicuously posted in the cabin of such steam yacht or steamboat. He shall also at all times keep such boiler and its appurtenances in proper repair, and at any and all times permit any person thereunto authorized by the mayor or common council to inspect such boiler and its appurtenances and shall, if such inspector deems the boiler or its appurtenances to be unsafe, forthwith repair the same.

Expense to
be paid by
owner.

The expense of the inspections and certificates hereby required shall be sustained by the owners or managers of such boats. No person who shall fail to comply with the provisions of this section shall receive or discharge passengers upon or from such steam yacht or steamboat or boat in tow within the city of Syracuse, and any person violating any of the provisions of this section shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days or more than three months, or to both such fine and imprisonment.

Penalty.

All steam
yachts, etc.,
to be inspected
and carry
certificate.

§ 7. Every owner or person managing any steam yacht, steamboat or other barge or vessel which may be used for pleasure or the conveyance of passengers to or from the city shall forthwith and on or before the first day of May in each year hereafter cause said boat to be inspected by a competent person, to be designated by the mayor, and shall obtain from such person so designated a certificate which shall state the num-

ber of persons such steamboat, steam yacht or other vessel can receive on board and carry at one time with entire safety to such boat and the persons received thereon, and shall cause such certificate to be posted in some conspicuous place in the cabin of such boat. The expense of such inspections and certificates hereby required shall be sustained by the owners or managers of such boats. No person who shall fail to comply with the provisions of this section shall receive or discharge passengers upon or from such steam yacht, steamboat, barge or other vessel within the city of Syracuse. Any person, whether the owner or manager of such boat or an employee thereon, who shall receive on board of any such boat a larger number of persons than it is stated in such certificate can be received and carried thereon with entire safety as aforesaid, and any person who shall fail to comply with any of the provisions of this section shall be subject to a fine of not less than fifty nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment.

Expense to
be sustained
by owners,
etc.

Penalty.

CHAPTER XXXVIII.

REPORTS.

SECTION 1.* The board of police commissioners, the board of fire commissioners, the board of excise commissioners, the board of education, the board of health,

City officers
and boards to
make annual
reports to
the common
council.

*As amended.

When to
make report.

Council may
demand
report at
any time.

the water board, the board of civil service examiners, the city treasurer, the corporation counsel, the commissioner of public works, the city engineer, the police justice, the fire marshal, and the overseer of the poor shall report annually to the common council in the month of February, and at or before the last meeting of the council then retiring from office for the year ending January 31, or oftener if required, and in such form and manner as the common council may require, a detailed statement of all transactions, financial or otherwise, belonging to his or their department, the condition of the same and the public property belonging thereto, together with such other items of public interest, and such suggestions concerning his or their department as he or they may deem essential for the public welfare.

CHAPTER XXXIX.

SIDEWALKS AND GUTTERS.

Sidewalks and
gutters to be
kept free from
obstructions,
snow, ice, etc.

SECTION 1.* The occupant of each and every tenement or building in the city fronting upon any park, street or alley, or the owner, or the agent of the owner of any lot unoccupied by a building or tenement fronting as aforesaid, shall at all times keep the sidewalk and also the gutters along the said premises clean and free from all obstructions of any kind and nature; shall also keep closely cut all grass or weeds that may grow along said sidewalk or gutters, and

*As amended.

shall keep said gutters free from all accumulations of dirt, stones or debris of any nature, and shall clear such sidewalks and gutters from all snow or ice that may fall on or accumulate thereon, by ten o'clock in the forenoon of each day, and cause the same to be kept clean from such snow and ice.

Any person violating any of the provisions of this Penalty. section shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, and to a like fine, or to like imprisonment, for every twenty-four hours such person shall neglect or refuse to comply with the provisions of this section after notice duly given. In case of premises unoccupied or vacant of which the owner is a non-resident of the city, and there is no agent of such owner in the city who can be found, the commissioner of public works shall give the notice required by sections 139 and 161 of the revised charter of the city of Syracuse, passed February 21, 1885, and shall proceed as required in sections 161, 162 and 163 of said revised charter, and cause the said walks and gutters to be cleaned and freed from all obstructions.

§ 2.* Any person who shall fasten a horse in such a way that the horse, vehicle, reins or line shall be an obstacle to the free use of any sidewalk or any cross-walk, or shall lead, push, draw or suffer to remain upon any sidewalk, any horse or other animal, or any wheel-

Sidewalks and cross-walks not to be obstructed by horses, etc.

*As amended.

barrow, hand-cart, hand wagon or other vehicle, or shall sell or attempt to sell, or cry for sale at auction, any goods, chattels or personal property, or shall saw or split wood, or mix or temper mortar, or curry or clean any horse, or wash, clean or grease any wagon, carriage or other vehicle on any sidewalk or crosswalk, or shall place any stone, cask, box, plank, barrel, board or other article on any sidewalk or crosswalk, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense; and any cask, box, barrel, plank, board or other article, and any animal or vehicle left on any sidewalk or crosswalk, may be forthwith taken to the public pound by order of the mayor, any alderman, the commissioner of public works or his deputies, the chief of police or any policeman, and such article, animal, or vehicle shall be sold for the expenses of such removal by the commissioner of public works after five days' notice by public advertisement, unless such expense of removal shall have been previously paid; but nothing herein contained shall prohibit merchants and others from placing goods and merchandise and furniture on the sidewalk for the purpose of loading and unloading the same, provided that the same shall be removed without unreasonable delay.

Penalty.

Obstructions
on sidewalks
to be taken
to pound.

Awnings
other than
cloth prohibi-
ted.

§ 3.* Any person or persons who shall hereafter erect any awning of wood or other material except cloth

*As amended.

upon or over any of the sidewalks of the city without the permission of the common council first obtained, Penalty. shall be subject to a fine of twenty-five dollars or to imprisonment in the penitentiary of the county for thirty days, and a further fine of ten dollars for every twenty-four hours such awning shall remain after notice to take down the same has been given by the mayor, any alderman, commissioner of public works or chief of police.

Any person who shall erect any cloth awning or other awning over any sidewalk of this city of less than seven feet elevation from and extending more than six feet over the walk, shall be subject to a fine of not less than five nor more than twenty-five dollars, Penalty. or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days, and a further fine of ten dollars for every twenty-four hours such awning shall remain after notice to remove the same, as in the case of the wooden awnings. Awnings must be seven feet above sidewalk, etc.

Any person who shall suspend or place any wares, goods, or merchandise in front of any store, shop or other building so as to obstruct the free passage of the sidewalk, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days; but goods, wares and merchandise may be suspended against the wall of any store or other building, providing they do not project from the building so as to interfere with the free use of Goods, or wares not to be suspended so as to obstruct sidewalk.

the sidewalk, and in no case project from the building more than fourteen inches.

Shade trees.

§ 4.* All shade trees hereafter to be set out or planted shall be placed within one foot of the outer line of the sidewalk. Any person violating this provision, or who shall neglect or refuse to remove such trees when otherwise placed, on being required so to do by the commissioner of public works, or who shall hitch any animal to any tree so set within any sidewalk, shall be subject to a fine of five dollars, or to imprisonment in the penitentiary of the county for ten days for each offense.

Penalty.

Persons~dig-
ging across
side-walks to
obtain permis-
sion of com-
missioner of
public works.

§ 5.* No person shall dig across the sidewalk in front of the premises owned or occupied by him, or shall cause the same to be done until he shall have obtained the permission of the commissioner of public works in writing, which permission shall state the purpose for which such digging is to be done; and such person after such digging has been done shall put the sidewalk and gutter in as good condition as they were in before, and shall maintain the same to the satisfaction * of the commissioner of public works. Any violation of any of the above provisions of this section shall subject the person offending to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten days nor more than three months, or to both such fine and imprisonment.

Penalty.

*As amended.

§ 6. Any person who shall erect or cause to be erected any stairs leading from the sidewalk and continuing over the same to an entrance in the first or second story of any building, shall first get permission of the common council, and the approval of the mayor therefor. Any person violating any of the provisions of this section shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county for ten days, and a further fine of ten dollars for every twenty-four hours the stairs shall remain, after written notice to remove the same given by any officer of the city.

Stairs not
to be erected
without per-
mission.

Penalty.

§ 7. Any person who shall erect or suffer to be erected, any sign or fixture projecting from any building into or over any sidewalk or street more than three feet from such building, or less than seven foot above said walk, except as in this chapter hereinbefore provided, shall be subject to a fine of not less than three nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, and to a like fine or like imprisonment for every forty-eight hours the said sign or fixture shall remain after the owner or occupant of said building or person maintaining said sign has been requested to remove the same by the mayor, any alderman or policeman.

Erecting
posts or pro-
jecting signs
over side-
walks.

Penalty.

§ 8. No person shall erect any hitching post or other obstruction within the outer line of the gutter of any street, nor shall any person drive or lead any team of

Hitching
posts, erec-
tion of
Teams not to
be driven on
sidewalks.

Penalty.

any description on, to or across or along any sidewalk in this city. Any person violating any of the provisions of this section shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, and to a like fine or to a like imprisonment for every twenty-four hours such hitching post or other obstruction is allowed to remain after notice to remove the same ; but nothing herein contained shall prevent the owners or occupants of lots from driving across the walks in front of their premises.

No walks or streets, etc., shall be used as hucksters stand, etc., without permission.

§ 9.* No person shall use or occupy any sidewalk, street, alley or park within the city for the purpose of a huckster's stand, or as a place for vending any fruits, nuts or other articles of merchandise, without permission of the commissioner of public works in writing, duly approved by the mayor. Any person violating any of the provisions of this section shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense.

Penalty.

All cycles used on sidewalks must be registered.

§ 10 SUB-DIVISION 1. No person or persons shall ride any cycle upon any sidewalk intended for the use of pedestrians through or upon any street, alley, park, bridge, or other public place in said city of Syracuse, or belonging thereto, unless the rider thereof shall

*As amended.

have in his possession, and subject to inspection by any police officer, a written permit therefor, or unless such cycle shall have been duly registered and numbered, and shall have such number affixed thereto, in a conspicuous place, as hereinafter provided, under a penalty of five dollars for each offense. This section Exception. shall not apply to cripples, invalids or others unable to walk.

2. Any person may ride a cycle with a bell attachment registered and numbered as hereinafter provided, What sidewalks not to be used by cyclers. upon any sidewalk of this city, except that between the hours of 6 A. M. and 11 P. M., no person shall ride a cycle upon the sidewalks of the business streets of said city as determined by the commissioner of public works, and annually published in two of the newspapers of said city of Syracuse on or before May 1st, of each year; or upon the footpaths of any and all bridges, under a penalty of five dollars for each offense, And no person shall ride a cycle between the hours above stated under a like penalty, upon the sidewalks of any street that is now paved or may hereafter be paved with asphalt, brick, cedar block or Medina block pavement, unless such street shall be impassible by reason of excavations or repairs.

3. Any person who shall ride or propel any cycle Rate of speed. upon any sidewalk, street, or foot path between the hours of 6 A. M. and 11 P. M. at a greater rate of speed than seven miles per hour, or while riding a cycle at any rate of speed upon any sidewalk or foot path in

said city shall willfully or negligently collide with or run against any person walking or standing upon such sidewalk or foot path shall be liable to a fine of not less than ten dollars nor more than twenty-five dollars for each offense, and any conviction under this section shall work a revocation of any permit and forfeiture of all rights and privileges under any registration held by the person so convicted at the time of such conviction.

Place and
manner of
registry.

4. The city clerk is hereby directed to provide a book in which shall be recorded the name and residence of the owner of every cycle, a brief description of such cycle, the name of the manufacturer and number, and any other details necessary and proper to identify such wheel and to carry into effect the provisions of this ordinance; and said city clerk shall assign a serial number to every such cycle in the order in which the same shall be recorded; such serial number shall be displayed upon a metal plate of suitable size and shape, not less than one thirty-second of an inch in thickness, and such numbers shall be attached to every such cycle by the city clerk, or under his direction, upon the front side of the handle-bar, near the head, in such manner as such city clerk may consider best, and shall be furnished to each person at the time of registering such cycle.

Report of
loss or
transfer.

5. In case of the owner of any cycle, registered and numbered as aforesaid, shall sell or otherwise loose possession or ownership thereof, he shall forthwith

report the facts to the city clerk, and the same shall be duly recorded in the cycle register provided for herein.

6. In any suit or action for the recovery of any damages or penalties for the violation of any ordinance caused by the use of such cycle, the records in the office of said city clerk, herein provided for, shall be presumptive evidence of the ownership of such cycle.

7. The said city clerk is hereby authorized and directed to furnish to any person, upon payment of the fee therefor, as herein provided, a written permit to use a cycle for a specified time upon the said sidewalks and foot paths of said city, subject to the provisions of Sub-division 2 herein, without such cycle being registered and numbered, as herein provided. Such permit shall describe such wheel, and state the name of the owner and applicant, and manufacturers' number of wheel; and said city clerk shall keep a record of all such permits in a book to be kept for that purpose.

8. For the purpose of this ordinance the term "cycle" shall be construed to mean any unicycle, bicycle or tricycle whose wheel or wheels, or either of them, shall exceed 24 inches in diameter. ^{"Cycle" defined.}

9. The fee for recording each cycle shall be fifty cents; for furnishing and attaching such numbers, fifteen cents; for recording transfers, twenty-five cents; for a permit, ten cents for each day covered by such permit; and the same shall be paid to the city clerk ^{Fees.}

by the person applying therefor, and be deposited by said clerk with the treasurer of said city to the credit of the contingent fund.

Extra
privileges.

10. The mayor is hereby authorized to grant the permit herein provided for, without fee to any and all visiting wheelmen on the occasion of any cycling meet or parade.

11. All ordinances, and parts of ordinances, inconsistent with the provisions of this ordinance are hereby repealed.

12. This ordinance shall take effect on the 1st day of July, 1894.

CHAPTER XL.

STREETS.

Stone, brick,
lumber, etc.,
shall not be
placed on
streets with-
out permis-
sion.

SECTION 1.* Any person who shall place or cause to be placed any stone, bricks, boards, plank, timber, lumber or other materials for building, in or upon any street, alley or public square in the city without written permission from the mayor or commissioner of public works, shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense, and be subject to a like fine or to a like imprisonment

Penalty.

*As amended.

for every twenty-four hours the same shall remain in such street, alley, or public square, without such written permission.

The mayor or commissioner of public works may give permission in writing to any person to place and keep building material, to be used for the purpose of building, in any of the streets, alleys or public squares of the city, in front of the lot or place where the building is proposed to be erected, but such permission shall not be for longer period than three months, nor shall it authorize the obstruction of any of the sidewalks or gutters, nor more than one-half of the carriage way of the street against such lot or place.

Permission to be granted by mayor or commissioner of public works.

Restrictions after obtaining permission

Any such permission may be revoked by the mayor or by the common council.

Permissions may be revoked.

Every person obtaining such permission shall cause all such materials and the rubbish accumulated to be removed from the street, as soon as the work upon the building shall have been completed or the permission granted shall have expired or have been revoked, and upon his neglecting or refusing so to do, he shall be subject to a fine of five dollars for every twenty-four hours the same shall remain after the time named in the writing shall have terminated, or after being notified that such permit has been revoked by the common council.

Penalty.

§ 2.* No person shall injure or tear up any pavement, street or crosswalk, nor shall any person dig any

No pavement, cross-walk or trench to be dug without permission from commissioner of public works.

*As amended.

hole or trench in any street to connect with the sewer or gas pipe, or for any other purpose, without first obtaining the consent of the commissioner of public works in writing, and any person who shall tear up the pavement of any street or dig any hole or trench in any street shall restore such street and pavement to as good condition as it was in before, and such pavement shall be relaid and such hole or trench shall be refilled under the direction of and to the satisfaction of the commissioner of public works. Any person violating any of the foregoing provisions of this section shall be subject to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, or to both such fine and imprisonment. When consent or permission shall be obtained to connect with a sewer, the person obtaining the same or making such connection, or his grantees, shall not be entitled to claim of the city any damage sustained by reason of the flooding of the sewer with which such connection shall be made, whether such flooding shall be occasioned by want of capacity of such sewer or obstructions therein; and any person who shall connect a drain or sewer from his or her premises with any public sewer, shall waive all damages which such person may be subjected to on account of back water from such public sewer. Any person who shall dig or cause to be dug any hole or trench in any street, lane or alley of the city, and shall not properly refill the same before dark of the day during which the same was dug, shall notify the chief or an

Penalty.

City not
liable for
damages.

When hole or
trench is left
open for the
night, chief
engineer or
assistant must
be notified.

assistant engineer of the fire department that he proposes to leave such hole or trench open during the following night, protected by suitable guards and signals, ^{Guards and Signals.} and giving the exact location thereof, and any neglect to give the notice herein required to the chief or an assistant engineer of the fire department, before five o'clock P. M. of the day during which such hole or trench was dug, and to protect such hole or trench by suitable guards and signals, shall subject the person so offending to a fine of not less than ten nor more than ^{Penalty.} fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days.

§ 4.* Any person who shall sweep, throw or deposit, ^{Ashes, dirt or rubbish of any kind not to be thrown or deposited in any street.} or cause to be swept, thrown or deposited, any ashes, dirt, stone, brick, straw, hay, grass, weeds, chips, shavings or rubbish of any kind or any slops or foul liquid of any kind, in any street, gutter, or any public square or park, or on any sidewalk, except for the purpose of immediate removal, and except he shall forthwith remove the same, shall be subject to a fine of ^{Penalty.} not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days, for each offense.

§ 5. No person shall deposit, or cause or direct to be ^{Wood, timber, &c., not to be placed on Clinton square longer than twenty-four hours.} deposited, any wood, timber, lumber, stone, merchandise or any other material on Clinton square upon the

*As amended April 5th, 1891.

Penalty. south side of the Erie canal or in the streets thereto adjoining, to remain for a longer period than twenty-four hours. Any person violating the provisions of this section shall be subject to a fine of ten dollars, or to imprisonment in the penitentiary of the county for thirty days, and to a like fine or imprisonment for every twenty-four hours the person so offending shall refuse or neglect to remove such material after notice to remove the same has been given by any officer of the city.

Detached vehicles shall not remain in streets.

Penalty.

Such vehicles to be taken to pound, and sold after five days notice.

§ 6.* Any wagon-maker, blacksmith, inn-keeper or other person who shall permit any detached vehicle to remain in any street, shall be subject to a fine of not less than five nor more than twenty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days; and any detached vehicle so left in the street may be forthwith taken by the commissioner of public works or his deputies, the chief of police or any policeman, to the public pound, the expense of such removal to be paid by the owner of such vehicle.

All articles so taken to the pound shall be sold by the commissioner of public works for the expenses of such removal, after five days' notice by public advertisement, unless such expenses shall have been previously paid.

Fences encroaching upon streets to be removed.

§ 7.* Any person or persons who shall hereafter erect or cause to be erected any fence in front of his

*As amended.

premises which shall in any manner encroach upon the boundaries of any street in the city, shall be subject to a fine of not less than twenty-five nor more than fifty Penalty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offence, and every person whose fence, heretofore erected, now encroaches upon the boundaries of any street, alley or public square, shall be subject to the fine or to the imprisonment provided Upon refusal after notice, commissioner to remove the same. in this section, upon his refusing or neglecting to remove said fence or fences within six days after being notified in writing by the commissioner of public works to so remove the same, and upon such neglect or refusal, it shall be the duty of the said commissioner to remove said fence, and the expense of said removal shall be paid by, and collected from said offender.

§ 8.* Any person who shall erect any building Buildings projecting beyond line of streets to be removed. which shall project into or over the line of any street and who, for twenty days after being notified in writing by the commissioner of public works to remove the same, shall neglect or refuse to remove said building Commissioners to remove same after notice. back to the line of the street, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, and to a like fine or to a like imprisonment Penalty. for every twenty-four hours said building shall remain beyond said line after such notice.

As amended.

Crosswalks
to be kept free
from obstruc-
tions.

§ 9. No person shall permit or cause any horse or other animal, wagon or other vehicle to stand on any crosswalk in the city for a longer time than is necessary for a person to alight therefrom, or to get into any such vehicle, nor except for such purpose. Any person violating any of the provisions of this section shall be subject to a fine of five dollars or to imprisonment in the penitentiary of the county for ten days for each offense.

Earth, etc.,
not to be re-
moved from
streets, with-
out permis-
sion.

§ 10. Any person who shall without written permission from the mayor or commissioner of public works, dig, remove or carry away any stone, earth, sand or gravel from any street, lane or public park or square in the city, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months for each offense.

Horses not to
be left in
streets with-
out being se-
curely tied.

§ 11. Any person who shall leave any horse or horses in the street without being securely tied, or who shall hitch or fasten a horse or other animal to any lamp post or to any tree, or shall climb, whittle, bruise, or otherwise injure any tree, shrub or fixture of any kind in any street, public square or park in the city, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Penalty.

*As amended.

§ 12. Any person who shall break, injure, deface or molest any lamp, lamp post, globe, burner or any part of a fixture belonging to any gas or oil lamp belonging to the city of Syracuse, or who shall without authority light or extinguish any gas or oil lamp in any street, lane, alley, public square or park within the city of Syracuse, or who shall fasten any placard, handbill, poster, or notice, or sign of any kind, or any article of goods or merchandise upon or against or in any manner connect the same with any lamp or lamp post in the city of Syracuse, or make any other use of such lamp or lamp post at any time, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Persons not to molest any lamp, lamp-post, etc.

Handbills must not be attached to lamp posts.

Penalty.

§ 13. Any person who shall open, use, draw water from or in any manner interfere with any hydrant in the city of Syracuse, without authority from the mayor or chief engineer of the fire department; and any person who shall break, injure, deface, remove or in any manner molest any hydrant, or any box, jacket, housing or other covering to the same, or any part thereof, without the like authority, shall be subject to a fine of not less than ten nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense. The authority herein referred to shall not be granted by such chief engineer, except for fire or sanitary purposes.

All persons forbidden from opening or drawing water from hydrants, without permission of mayor, etc.

Penalty.

All persons
forbidden,
erecting build-
ings, etc., upon
streets, public
squares, &c.

§ 14.* Any person or persons who shall hereafter

erect or cause to be erected any building or other
fixture, or place any incumbrance in or upon any park,
public square, street or alley within the boundaries of
the city, shall be subject to a fine of not less than
twenty-five nor more than fifty dollars, or to imprison-
ment in the penitentiary of the county for not less
than thirty days nor more than three months for each
offense, and to a like fine or to a like imprisonment,
for every twenty-four hours such building, fixture or
incumbrance shall remain in or upon such public
square, street, alley or park after written notice to

Penalty.

Commissioner
to remove
same after
written notice.

remove the same shall have been given by the com-
missioner of public works, or any other officer who
may be authorized by the common council to give
such notice ; and any person whose building, fixture
or incumbrance does now remain in or upon any park,
public square, street or alley, and who shall neglect or
refuse to remove the same within the time specified in
the notice requiring its removal, shall be subject to a
fine of not less than twenty-five nor more than fifty
dollars, or to imprisonment in the penitentiary of the
county for not less than thirty days nor more than
three months, and to a like fine or to a like imprison-
ment, for every twenty-four hours such building, fix-
ture or incumbrance shall remain in or upon any park,
public square, street or alley after the notice is given
as herein provided, and at the expiration of the time
given in said notice for removal, the commissioner of

Additional
penalty.

*As amended.

public works shall have power, and it shall be his duty to remove or cause to be removed any such building, fixture or incumbrance now erected or placed, or hereafter erected or placed upon any park, public square, street or alley, and the owner of said building, fixture or incumbrance shall be liable to pay the expense of such removal in addition to the fine aforesaid.

§ 15. Every person who shall obstruct, occupy or use any part of any street, walk, alley, public square or other public grounds in any other manner or for any other purpose than is authorized by law or expressly permitted by the ordinances of this city, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than ten days nor more than three months for each offense.

Obstructions
not to occupy
streets, &c.,
contrary to
law or
ordinances.

Penalty.

§ 16. It shall be unlawful for any person or persons to haul or transport, or cause to be hauled or transported over or through any of the streets within the city, any gravel, stone, sand, dirt, offal, manure, rubbish, shavings, sawdust, lime or other loose material or substance in any wagon or other vehicle which is not so constructed as to prevent the material with which it may be loaded from dropping, sifting through, or in any manner being strewn upon any of said streets, nor shall any person remove or cause to be removed by any vehicle through or upon any of the streets of the city any of the material named herein and so placed on any such vehicle that the

Transporting
gravel, rub-
bish, etc.,
through the
streets.

Must be in
tight convey-
ances.

same shall be liable to fall from such vehicle upon any of the said streets. Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense. The police of the city are hereby required to enforce this ordinance and to arrest or cause the arrest of any person they may find violating the same.

Sprinkling
crosswalks
forbidden.

§ 17. Any person or persons engaged in sprinkling the streets of the city, whether as contractor or employee, who shall sprinkle or cause to be sprinkled any of the crosswalks on said streets shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Penalty.

Signal lights
not to be dis-
turbed, etc.

§ 18. Any person who shall extinguish, destroy or remove any signal light placed in or adjacent to any street, alley, park or public ground of the city as a warning of danger where an excavation has been made, or where building material, dirt or other matter has been placed or remains, or which light has been placed to show such excavation or obstruction, whether said light has been so placed by an officer of or contractor with the city, or by any other person, shall be subject to a fine of not less than five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than sixty days, or to both such fine and imprisonment for each offense.

Penalty.

§ 19. No telegraph company, telephone company, Telegraph and other poles and wires not to be erected without permission of common council. electric lighting company or other person shall erect any pole in any of the streets, sidewalks or public squares of the city of Syracuse, or extend any wire for telegraph, telephone or electric purposes in, along or across any street or public square of said city, until such company or such person shall first have informed the common council of said city in writing of its or his intention so to do, and of the size and height of such pole and the locality in which it is proposed to place the same, and of the purpose for which the same will be used, and of the size and locality of such wire and the purposes for which the same will be used, nor until the said common council shall by resolution have assented to the proposed use and location of such pole Penalty. or wire. Any company or person violating any provision of this section shall be subject to a fine of twenty-five dollars for each offense; and any person violating any provision of this section shall be also subject to imprisonment for not less than ten nor more than sixty days for each offense. The police of the city are hereby required to enforce this ordinance, and to arrest or cause the arrest of any person who shall be found violating the same.

§ 20.* Every person who shall throw, expose or place, or who shall cause or procure to be thrown, exposed or placed, in or upon any street, highway, or public place of the city of Syracuse, any salt, saltpetre or any substance for the purpose of dissolving snow or Penalty for putting salt, etc., upon streets to dissolve snow, ice, etc.

*As amended December 29th, 1890

ice upon railroad tracks, which may have fallen or been deposited thereon, or for any other purpose, shall be guilty of a misdemeanor, and shall be subject to a fine of fifty dollars or to imprisonment in the penitentiary of the county for not more than thirty days or less than ten days for each offense.

Exceptions,
subject to
supervision
of commis-
sioner of
public
works.

Provided, however, that salt may be used by corporations operating the street railroads in the city of Syracuse at the following places; subject, however, to the supervision and control of the commissioner of public works of said city as to amounts that shall be so used and the times when the same may be used, and the said commissioner may at any time, by a notice in writing to said corporations, withdraw from them the right to use the same, at any or all of such places, viz :

1. The grade on East Genesee street east of Crouse avenue to University avenue.
2. The grade on Crouse avenue from Madison to Marshall street.
3. The grade on Westcott street, south of Lexington avenue to Genesee street.
4. The grade on Lodi street south of James street.
5. The grade on West Genesee street, west of the Auburn division of the New York Central and Hudson River Railroad.
6. The grade at the south approach of the Warren street bridge.

7. The grade on Cortland avenue, north of city line.

8. At turn-tables, movable switch points and at those curves where grooved rails are used.

Provided, further, that if at any time it shall seem Suspension of ordinance. to the commissioner of public works essential to the safe and efficient operation of such street railroads that salt in small quantities should be used at any place not above specified, he may permit the same to be so used, subject however, to such restrictions as to quantity and as to the time during which the same shall be used as may seem to him proper.

CHAPTER XLI.

WEIGHTS AND MEASURES.

SECTION 1. Any person using weights, measures, Sealing and marking of weights, measures, etc. scale beams or steelyards, in weighing or measuring any article intended to be purchased or sold in the city, or in the weight or measurment of which other persons or the public are interested, shall cause such weights, measures, scale-beams or steelyards to be sealed and marked by the examiner of weights and measures, and any person who shall neglect or refuse to have the same so marked and sealed shall be subject Penalty. to a fine of five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

Sealer
to visit
markets,
&c., every
six months.

§ 2. The examiner of weights and measures shall have the care and the keeping of the public beam, weights and measures provided for his use, and the same shall be regulated according to the law of the State, and all weights, measures, scale-beams and steelyards sealed and adjusted by him shall be made conformable to the standard of this State; and the said examiner shall, at least once in every six months, and oftener, if he deem it necessary, visit the markets, stores, shops or other places where weights, measures, steelyards or beams are kept and used, and examine the same, and also all measures marked on any counter, desk, seat, or fixture, and in case they be found not agreeable to law to report the same to the council. The examiner shall be entitled to ask and receive from the person for whom such examination or inspection is performed, at the rates following, viz:

Fees.

For inspecting and marking every beam,	\$.12
For inspecting and marking every beam if brought to him.....	.06
For inspecting and marking measures of ex- tension, per yard.....	.03
For any one measure, not to exceed25
For any one store, not to exceed.....	.50
For examining and sealing weights of 14 lbs. and upwards.....	.03
For examining and sealing weights of less denomination.....	.01
For examining and sealing weights of plat- form scale of 1,000 lbs. and upwards...	.25
For examining and sealing weights of plat- form scales of two tons and upwards...	1.00

For examining and sealing measures (liquid
or dry), of two gallons or more04

For examining and sealing measures (liquid
or dry), of less than two gallons02

§ 3. Any person who shall neglect or refuse to pay said fees of the examiner of weights and measures on demand, or to produce any of his weights or measures before the said examiner, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense. It shall be the duty of the examiner to see that all retailers and sellers of milk, beer, ale, cider and vinegar in the city do sell the same by just and true measure, and all offenders in the premises shall be reported by him to the police justice, who shall cause proceedings forthwith to be instituted against such offenders.

Neglecting
or refusing
to produce
weights and
measures.

Penalty.

§ 4. The examiner shall make a regular register of the weights, measures and beams inspected by him, in which he shall record the names of the persons owning the same, and the fact whether the same are conformable to the standard of this State, and it shall not be lawful for him to collect the fees mentioned aforesaid more than once in each year, unless the weight, measure, steelyard or scale-beams shall be found on the second examination not to be in conformity with the standard of the State. The examiners shall be entitled to a reasonable compensation for making any beam, weight or measure conform to the established

Sealer
to make
a register.

Penalty. standard. When such beam, weight or measure is not conformable to the standard the examiner shall designate some place in the city where the owner shall send the same to be adjusted, and if the owner shall neglect or refuse to do so, such owner shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days and to a like fine or to a like imprisonment for every twenty-four hours he shall continue such neglect and refusal after the first conviction.

CHAPTER XLII.

WOOD.

Place
designated
for the sale
of wood.

SECTION I. Any person exposing wood for sale within the city by the cart, wagon load or sleigh load, shall offer the same upon the south side of Haymarket square and upon no other public square, street, alley or place within the city (except in the First ward). No cart, wagon or sleigh or other load of wood shall be offered for sale, unless it shall have been measured by a person appointed for that purpose by the common council, and his certificate obtained of the amount of wood contained in such load. Any person violating any of the provisions of this section shall be subject to a fine of not less than two nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for

Penalty.

each offense. Upon Haymarket square the teams shall stand on a line north of the north line of Bridge street, the teams to be headed north. Any load of wood entering upon said Haymarket square, designated as the place for the sale of wood, shall be considered as offered or exposed for sale, and shall be at once subject to the provisions of this chapter.

§ 2.* The stand for the sale of wood as aforesaid shall be in special charge of the wood measurer, the commissioner of public works, and the chief of police. Charge of wood stand. Any person who shall neglect or refuse to locate his team or load as provided in this chapter, or as may be required by the wood measurer or the commissioner of public works, or any policeman or other officer of the city, shall be subject to a fine of not less than five nor more than ten dollars, or to imprisonment in the penitentiary of the county for not less than five nor more than thirty days for each offense, and such team or load may be removed by the commissioner of public works, or other of said officers. Penalty.

§ 3. The common council shall appoint annually a wood measurer, whose special duty it shall be at all reasonable times to be in attendance at Haymarket square and measure every load of wood brought upon said square, and give the person in charge of every load of wood so measured a certificate of such measurement, stating the amount contained in such load, signed by him as wood measurer, before the same may Wood measurer, his duties.

*As amended.

Penalty.

be exposed for sale; and for every load of wood not exceeding three cords measured by him, he shall be entitled to charge five cents, and for every load of wood containing more than three cords he shall be entitled to charge only three cents per cord, the payment to be made by the owner or person having the wood in charge. No wood shall be exposed for sale on said Haymarket square without having been first measured by said wood measurer. Any person violating any of the provisions of this section shall be subject to a fine of not less than five nor more than twenty-five dollars, or to imprisonment in the penitentiary of the county for not less than ten nor more than thirty days for each offense.

To report
to common
council.

§ 4. It shall be the duty of the wood measurer to keep a record of every load of wood by him measured, and to make quarterly reports of the total number of cords so measured to the common council. If, by reason of sickness or otherwise, such wood measurer shall be prevented from attending to his duties in this chapter specified, the mayor may appoint, temporarily a fit person in his place, until the inability of such measurer shall be removed.

Vacancy—
mayor may
fill.

CHAPTER XLIII.

WATER.

Water
department
shall make all
connections
with mains
and pipes.

SECTION 1.* No person except a regular employee of the water department, shall make any attachment

*As adopted May 23rd, 1892.

to, or connection with the pipes of the city water works, or make any additions to or alterations of, any tap, pipe, cock, or other fixture connected with the pipes supplying water to consumers from said water works; or make or insert any tap therein, or lay any service pipe connected therewith, unless such person shall be licensed as a plumber by the water department. Any person violating any of the provisions of this section shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each offense.

Service pipes to be laid by licensed plumbers.

Penalty.

§ 2. No person except a regular employee of the water department shall open any trench in the streets or public grounds of the city for the purpose of laying any service connection with the water works of the city without first obtaining a written or printed permit from the water department.

Permission from water department, must be obtained to open street for making water connections.

§ 3. Plumbers doing business in connection with the city water works will be considered as the agents of the persons employing them in such work, and will not in any case be recognized as in any sense the agents of the Syracuse water board, or of the City of Syracuse; neither will said board or said city be responsible for the acts of such plumbers.

Plumbers in employ of water department.

Board not responsible for their acts.

§ 4. Any person who shall take water for supplying sprinkling carts from any street hydrant not designated in the permit issued to him, without special permission from the water department, shall be subject to a fine of five dollars for each offense.

Sprinkling carts.

Persons liable
to fine, etc.,
for disturb-
ing street
hydrants.

§ 5. No person, except an authorized agent or employee of the water department, or the fire department, or a person permitted by the water department to take water for sprinkling streets, shall disturb any street hydrant, or any part thereof, or take any water therefrom, under any circumstances whatever; and any person violating any provision of this section shall be subject to a fine of not less than ten dollars nor more than twenty-five dollars, or to imprisonment in the Onondaga county penitentiary for not less than ten or more than thirty days, or both such fine and imprisonment, and in addition thereto he shall pay the amount of any damage done to said hydrant, or the cost of restoring the same to its proper condition.

Penalty.

Holders of
sprinkling
permits liable
for damages
to hydrants.

§ 6. In case any damage or injury is done by any person taking water from a street hydrant for street sprinkling the holders of the permit for said sprinkling shall pay the cost of the same, on demand, to the department; and in case of refusal or neglect to pay the same, his permit shall be revoked, and no further permit shall be issued to him or to any person for his benefit, or to any person employing him or whom he employs, till the said sum shall be paid.

Water depart-
ment to be
notified of
damages,—
by whom.

§ 7. It shall be the duty of all officers and employees of the fire department, police department, water department, and all plumbers licensed by the water department, to immediately notify the water department of damage or injury to any street hydrant, or the removal or displacement of any part thereof.

§ 8. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or otherwise, or for the purpose of procuring cooler water, or for any other purpose than those indicated in the application or permit for the same and which are allowed by the Rules of the water board unless the supply shall be through a meter. Any person violating the provisions of this section will be subject to a fine of five dollars for each offense.

Patrons must comply with permit in using water.

Penalty.

§ 9. The curb cock controlling any service shall not be opened or left open by the plumber, or any other person, after connecting said service with the street main, or after making any new extension or attachment in unoccupied premises, so that the water may be supplied to said premises by said service, without a formal permit from the department, except in cases where the work is a simple extension or additional attachment in premises where the water is then in use and where a permit has been duly obtained to make the same. Any person violating any provision of this section will be subject to a fine of five dollars for each offense, and in addition thereto shall be subject to a revocation of the plumber's license, in the discretion of the water board.

Disturbing curb cock prohibited by persons other than employees,

Penalty.

§ 10. The officers of the water department, their agents and assistants, shall have access to the premises of any water taker, at any reasonable time, to examine the pipes and fixtures and the quantity of water used, and the manner of its use, and in case of fraudulent

Persons in service of water department shall have access to premises of patrons.

representation on the part of any water taker, or unnecessary waste of water, or entrance upon said premises as provided for in this ordinance shall be refused, the water will be shut off. In case the supply of water is shut off as provided in this section, all moneys that have been paid to the water department by the taker shall belong to the city.

In case water supply is cut off.

Requirements for automatic fire extinguishers.

§ 11. All stand pipes or other pipes for the automatic extinguishment of fires which are attached to the water supply must be provided with suitable valves outside of the building under the exclusive control of the water department. A valve must be provided, placed at the bottom of the standpipe and at each hose opening, which valves shall be sealed by the water department, and any person breaking the seal so placed for the purpose of extinguishment of fire shall immediately thereafter give notice at the office of the water department. Any person violating the foregoing provisions of this section will be subject to a fine of twenty-five dollars for each offense. And in case such seal shall be broken for any other purpose or use, or any tap be introduced into, or connection be made with such pipe, the party offending shall be subject to a fine of not exceeding two hundred dollars.

Penalty.

Openings in streets must be guarded and signal lights put up.

§ 12. Whenever any street or public ground is opened for making any connection with or laying any water pipe or fixtures, public safety and convenience shall be duly regarded and conserved by the construction of such bridges across such trench as may be

required to accommodate the public safety and business and that of adjacent owners; suspension of red signal lights and all other such means of protection as may be required by a properly authorized officer or employee of the water department. Any person violating any provision of this section will be subject to a fine of twenty-five dollars for each offense. Penalty.

§ 13. Back filling of any service trench in any street or public ground shall not be commenced until the service shall be inspected and accepted by some agent of the water department. Such back filling shall be firmly settled with rammers or pounders, to such an extent that all the earth which has been taken from the trench shall be fully replaced therein and not left rounded above the surface of the street, and in case the trench will receive more earth than was obtained from the excavation therefrom, then other material of a proper and suitable quality, shall be furnished and pounded in and the pavement or other surface improvement shall be replaced within twenty-four hours from the time the excavation is made, (except in case the pavement to be replaced is asphalt, when a further reasonable time will be allowed), and the street shall be left in as good and satisfactory condition as before excavation was begun. Back-filling and pavements to be put in good condition.

All refuse or surface earth, timbers, stone, or other material shall be fully and entirely removed from the street immediately by the owner or his plumber, and if not so removed it may be done by the department at the owner's expense. All refuse &c. must be removed from streets.

Provisions
where work is
not properly
done.

If a water service trench is not properly filled as provided by this section, or if it settles thereafter, the water department may cause it to be repaired without notice, and if such repairs become necessary within a period of six months, the cost of the same shall be charged to and collected of the plumber, and if he shall fail to pay the same promptly on demand his license may be revoked. In estimating the said period of six months the period between the 15th of November and the 15th of April shall not be included.

Meters shall
not be dis-
turbed.

§ 14. No meter shall be removed or disturbed without permission from the officers or agents of the water department. Any violations of this section shall subject the person violating the same to a fine of not exceeding ten dollars for each offense.

Penalty.

Owners of
premises to
provide access
to meters.

§ 15. The owner of premises and tenants shall provide ready and convenient access to the meter so that it may be frequently read and examined by the agents of the water department.

When water
has been
turned off.

§ 16. Whenever water has been turned off for non-payment of rents, or for purpose of repair or construction or for any other proper or necessary reason, no person will be permitted to turn it on again who is not authorized so to do by the proper officer of the water department. The violation of this section shall subject such person to a fine of five dollars for each offense.

Penalty.

Water can not
be supplied to
neighboring
premises.

§ 17. No water taker will be allowed to supply water in any manner, or through any fixtures or device whatever, to the occupants of neighboring

premises of any description, except by special permit from the water department, and if found doing so the water will be turned off and the water rents already paid become forfeited, unless said water taker shall at once pay to the water department the schedule rates for the water so furnished, and the person so violating Penalty. this section shall be subject to a fine of not exceeding four dollars for each offense.

§ 18. Hose attachments to the city water works for Regulations for hose attachments. lawn and garden sprinkling shall be used as follows:

a. The hose used for sprinkling must have an inside diameter of not exceeding three quarters of an inch and the nozzle shall have an orifice of not exceeding one quarter of an inch, and the use of leaky or defective hose is prohibited.

b. Sprinkling with hose will be allowed only from May 1st to November 1st, and not to exceed three hours each day, and while in use the hose must be held in the hand.

c. No person will be allowed to sprinkle opposite or adjoining premises, nor use the water from the street hose attachment or through said hose, for any purpose not authorized by the terms agreed upon with the water department.

d. Fountain sprinklers or hose attachments set up as jets, or kept running, will be prohibited, except when charged for at fountain rates.

Penalty for
violations.

e. A violation of any of the foregoing provisions of section 17 will subject the owner or occupant of the premises to a fine of five dollars for each offense, except in case where the water used is passed through a meter.

Fountains.

§ 19. All sprinkling attachments not held in the hand when in use, shall be classed as fountains and fountain jets and so charged.

Penalties
in general.

§ 20. Any person violating any of the above ordinances, except where a penalty is named therein, shall be subject to a penalty of five dollars for each and every offense, and any person or persons having violated any of the foregoing ordinances and refusing or neglecting to pay the fine or fines imposed therein, shall stand committed until such fine or fines are paid.

§ 21. All ordinances or parts of ordinances conflicting with any provisions of these ordinances are hereby repealed when the present ordinances become in force.

CHAPTER XLIV.

JUNK DEALERS.

Must obtain
license.

SECTION 1.* No person, corporation, member or members of a co-partnership or firm, shall engage in and carry on the business of junk dealer, without first obtaining a license so to do, under the provisions of

As adopted June 26th, 1893.

this chapter, nor shall continue in such business, after their license may have been revoked. Any person ^{Penalty.} violating any provision of this section shall be subject to a fine of not less than twenty-five nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offense. The Mayor may grant ^{Mayor to grant license.} to any person applying therefor and producing satisfactory evidence of good character, a license to carry on the business of junk dealer, which license shall expire ^{Licenses to expire on April 15.} upon the the fifteenth day of April, next after the granting thereof.

All licenses shall be signed by the mayor and city clerk, and the person, corporation or firm, to whom a license may be issued, shall pay therefor to the city clerk, for the use of the city of Syracuse not less than ^{Cost of license.} two nor more than twenty-five dollars. The mayor ^{Mayor may revoke same.} shall have power to revoke such license, at any time, upon the request of the chief of police.

§ 2. All junk dealers shall keep a record of every ^{Junk dealers shall keep record, etc.} article purchased, showing the name and residence of the person from whom such article was purchased, the price paid, and the date of such purchase. Such record ^{Such record open for inspection.} must be open, at all times to the inspection of the mayor and chief of police, or any person authorized by either of them in writing, and any article or thing purchased shall be exhibited on demand of either of said officers or such authorized person. No goods or ^{Time, and from whom goods can be purchased.} articles shall be purchased from any minor person,

apprentice, or servant, nor shall any goods be purchased after sunset and before seven o'clock in the morning.

Vehicles used,
must have
name, etc.,
of owner
thereon.

All wagons, or carts used by junk dealers in the prosecution of such business, shall have plainly painted upon each side, in letters and figures not less than one and one-half inches in length, the name or names of the owners, their places of business and license number. If any junk dealer have in his possession any goods or articles which shall have been advertised as lost or stolen, he shall immediately notify the chief of police of the fact.

In case of ad-
vertised
stolen goods.

Shall not
receive
articles as
pledges.

Place of
business
must be
stated in
license.

No junk dealer shall receive or hold a license as a pawnbroker, nor receive any article as a pledge or pawn. The place of business of junk dealers shall be stated in the license, and such license shall not be valid for use in a different location, except by written permission of the mayor.

Junk dealer—
term defined.

Any person, corporation, member or members of a co-partnership or firm, buying, selling or dealing in old rope, rags, old iron, brass, copper, lead, zinc or any article or thing, which from its worn condition renders it useless for the purpose for which it is made, is hereby declared and defined to be a junk dealer. Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offense.

Penalty.

CHAPTER XLV.

BILL POSTING AND BILL DISTRIBUTING.

SECTION 1. The mayor of the city of Syracuse may ^{Mayor to issue license.} grant to any resident of the state of New York, or any corporation duly organized under the laws thereof, that shall apply to him therefor in writing a license to engage in and carry on in the city of Syracuse, the business of bill posting, bill distributing, sample distribution for advertising purposes, and sign advertising, or either or all of such occupations which license shall expire on April 15th, next after the date of issue thereof.

§ 2. Every licensee under the provisions of this ordinance shall pay to the city clerk on the delivery of the license duly granted to him as follows :

(a.) For a bill poster's license which shall authorize ^{Cost of licenses.} the carrying on of all the occupations named in section 1 of this chapter, the sum of forty dollars.

(b.) For a bill distributor's license which shall authorize the distribution of bills, circulars, pamphlets, notices, or samples or other articles used to advertise a particular business, exhibition, entertainment, excursion or other matter or thing, the sum of twenty-five dollars.

§ 3. Every applicant for a license under the provisions of this ordinance shall present to the mayor at the time of making the application for such license a bond ^{Bond required.}

in the penal sum of one thousand dollars, executed by the party making the application with at least two sureties, residents of Onondaga county, and said bond to be approved by the mayor and conditioned for the faithful observance of the ordinances of the city, especially the faithful performance of the duties and obligations hereby imposed upon the said licensee.

§ 4. No person or corporation to whom a license shall be granted as herein provided shall charge or receive more than the following prices for the distribution of bills, circulars, samples and advertisements and the posting of bills, to wit:

Fees to be
charged by
licensees.

Posting bills for one week for any show, entertainment or business, three cents per sheet.

Distributing almanacs, pamphlets or books to private houses, \$1.50 per thousand.

Distributing bills, circulars or notices to private houses, \$1.25 per thousand.

Distributing bills, circulars or notices to business houses and offices, \$1.00 per thousand.

License
necessary.

§ 5. No person or corporation shall engage in or carry on the business of bill posting, bill distributing, sign advertising, or the distribution of samples or other articles for advertising purposes in the city of Syracuse without having previously obtained a license so to do under the provisions of this chapter.

§ 6. No person shall scatter or throw upon the streets, public squares, sidewalks or alleys of said city, posters, hand-bills, advertisements or papers of any kind, and nothing herein contained shall be construed to authorize any person or persons to obstruct the streets, sidewalks and alleys of said city, or create any nuisance therein, or to prevent the posting of notices required by law.

Careless distribution forbidden.
Papers not to be thrown on streets.

§ 7. Nothing herein contained shall be construed to prevent merchants and other residents of, and doing business in the city of Syracuse, from distributing bills or advertising the business in which they are directly engaged, nor shall anything herein contained be construed to prevent any religious, benevolent, labor or social organization of the city of Syracuse from distributing bills for advertising its meetings, entertainments, excursions or assemblies, subject to the restrictions contained in Section 6 of this chapter.

Merchants and local organizations privileged.

§ 8. Any violation of the provisions of this ordinance shall be deemed a misdemeanor, and any person upon conviction thereof shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, and in default of the payment of such fine, such person so convicted shall be imprisoned in the Onondaga County Penitentiary for a term not to exceed one hundred days.

Penalty.

§ 9. All ordinances and resolutions of the common council inconsistent with the provisions of this ordinance are hereby repealed.

SUPPLEMENT

FOR

1894.

OFFICERS
OF THE
CITY GOVERNMENT

FOR

1894.

Mayor—JACOB AMOS.

City Clerk—HENRY F. STEPHENS.

City Treasurer—PATRICK R. QUINLAN.

City Engineer—HENRY C. ALLEN.

Corporation Council—CHARLES E. IDE.

Com. of Public Works—H. B. JOHNSON.

President of Common Council—ROBERT BALLARD.

Aldermen.

- | | |
|----------------------------|---------------------------|
| I. John Leahey. | XI. Robert Ballard. |
| II. Philip Miller. | XII. Richard Otto. |
| III. Frank Matty. | XIII. Leonard S. Hamson. |
| IV. Lewis F. Weaver, M. D. | XIV. Everard A. Hill. |
| V. Peter J. Mack. | XV. John Regan. |
| VI. Charles E. Candee. | XVI. Peter Kappesser. |
| VII. George Freeman. | XVII. Patrick J. McMahon. |
| VIII. Eugene J. Mack. | XVIII. Udelmer C. Adams. |
| IX. George A. Ball. | XIX. John J. Murray. |
| X. William J. Nairn. | |

CHARTER AMENDMENTS.

CHAPTER 636, LAWS OF 1894.

(BECAME A LAW MAY 10, 1894.)

SECTIONS 103, 105, 106 AND 180 OF THE CITY CHARTER WERE AMENDED TO READ AS FOLLOWS, VIZ :

§ 103. 1. For the expenses of lighting the streets ^{Street lighting.} and public places of the city, a sum not exceeding eighty-five thousand dollars.

2. For the expense and support of the police department, ^{Police department.} a sum not exceeding ninety thousand dollars.

§ 105. 1. For repairing bridges and sewers, and repairing and cleaning streets, ^{Bridges, sewers and street cleaning.} a sum not exceeding sixty-five thousand dollars.

2. To defray the city's share of local improvements, ^{Local improvements.} a sum not exceeding twenty-five thousand dollars.

3. To defray the expenses of the support, construction, improvement and maintenance of the parks of the city, including salaries, ^{Parks.} a sum not exceeding twenty thousand dollars.

4. To defray the ordinary and contingent expenses ^{Ordinary and contingent expenses.} of the city, including interest on temporary loans; the payment of judgments and the adjustment of claims; the expenses of the board of health; the expenses of

the poor department; the expenses of the police court; salaries and all other miscellaneous expenses, a sum not exceeding one hundred and thirty-five thousand dollars.

Limitation
of tax.

§ 106. The aggregate of the annual tax levy, exclusive of local assessments, shall not in any one year exceed the sum of eight hundred and eighty-four thousand dollars for all purposes.

§ 180. The common council shall have the power and it shall be their duty to raise each year, by tax upon the real and personal estate of the city which shall be liable to taxation for ordinary city taxes, or for county or city charges, in addition to the amount of school moneys now or hereafter appropriated, as provided by law for common schools in the city, such sums as may be determined by the Common Council to be necessary or proper for any or all of the following purposes :

Tax for
school
houses.

1. To purchase, lease or improve sites of or for school-houses; build, purchase, lease, enlarge, alter, improve or repair schoolhouses and their out-houses and appurtenances; but the amount raised in any one year for such purposes shall not exceed the sum of twenty-five thousand dollars.

Limitation.

School
apparatus,
books, etc.

2. To purchase, exchange, improve, and repair school apparatus, books, furniture, and appendages; but the power herein granted, shall not be allowed to authorize the furnishing of class or text books for any

scholar whose parents or guardian shall be able to furnish the same, except in and for the primary department.

3. To procure fuel and defray the expenses of the ^{Fuel and Library.} common schools, and the expenses of the Central City library and the several school libraries.

4. To pay the wages of teachers due after the ap- ^{Teachers' wages.} plication of the public money, which may by law be appropriated and provided for that purpose.

LEGISLATIVE ACTS.

WATER DEPARTMENT AMENDMENT.

CHAPTER 184, LAWS OF 1894.

(BECAME A LAW MARCH 28, 1894.)

SECTION 20 OF CHAPTER 291, LAWS OF 1889,
AMENDED SO AS TO READ AS FOLLOWS, VIZ :

§ 20. Whenever the Syracuse water board shall consider it necessary that any bonds of the city of Syracuse shall be issued for the purpose of this act it shall certify to the mayor and common council of the city of the amount so desired, and the purpose or purposes for which required ; whereupon it shall be the duty of the mayor and common council, by resolution, to cause bonds for the amounts so certified to be issued in the name and upon the credit of the city of Syracuse, which shall be executed by the mayor under the corporate seal of the city, and countersigned by the city clerk. Provided, however, that the aggregate amount of the bonds issued under the provisions of this act shall not in any event exceed the sum of three million five hundred thousand dollars. All such bonds shall be payable on the first day of July nineteen hundred and twenty. Such bonds shall bear interest at a rate to be determined by the water board, not ex-

Issue of bonds.

Limitation of amount.

Bonds when payable, etc.

Interest. ceeding four per cent per annum, payable semi-annually and may be either registered or coupon bonds or both, and of such denominations and payable at such place or places as the common council may direct by resolution. Upon the passage of any resolution authorizing an issue of such bonds, the city treasurer shall properly advertise for proposals for the purchase of such bonds and shall sell them to the party or parties offering to pay the highest price therefor, but not less than par. Upon the acceptance of any proposal for the purchase of such bonds the city treasurer shall immediately deposit the same with a bank or trust company designated by resolution of the common council, with a statement of the terms of sale. Upon payment, in accordance with such terms, said bank or trust company shall deliver such bonds, duly countersigned by it, to the purchaser. Thereupon such bonds shall become valid obligations of the city of Syracuse, and the faith and credit of the city is hereby pledged for the payment thereof, and the interest thereon. The payment so received and all interest which may accrue thereon shall be placed by the said bank or trust company to the credit of the city of Syracuse water fund. No part of such moneys shall be paid out, except upon the written order of the Syracuse water board, signed by the president and secretary thereof and countersigned by the city treasurer. No order for the payment of such moneys shall be issued except upon the resolution of the water board, duly entered upon its minutes, a certified copy whereof shall be filed with

Sale of Bonds.

Conditions of delivery.

Valid city obligations.

Water fund.

Payments therefrom.

the city treasurer. The voucher or other paper on account of which such order is issued shall be filed with the secretary of the board, and shall bear a number corresponding with the number of the order issued thereon; the board may, however, at any time, by resolution and order issued in the manner aforesaid, transfer any funds from any bank or trust company to any other bank or banks or trust company which shall have been approved by the common council as depositories of the funds of the Syracuse water board.

Transfer of funds.

The funds so transferred, and all interest accruing thereon, shall be held and paid out by such bank or banks, or trust company, only in the manner above provided. The amount of moneys on deposit at any time with any bank or banks or trust company shall not exceed thirty per centum of the full paid capital stock and surplus of any such bank or banks or trust company.

Restrictions as to deposits with banks, etc.

Upon the passage of any resolution authorizing the issue of bonds under this act the city clerk shall forthwith transmit a certified copy thereof to the secretary of the water board. Upon the sale of any such bonds, the city treasurer shall transmit to the secretary of the water board a statement showing the amount of bonds sold and the amount realized thereon, and shall also furnish to the city clerk a detailed statement, showing the date, number and denomination of each bond sold, the price realized, the name of the purchaser, and the expenses of such sale.

Duties of city clerk and treasurer.

This act shall take effect immediately.

SCHOOL BONDS.

A LAW TO AUTHORIZE THE CITY OF SYRACUSE TO BORROW MONEY BY THE ISSUE OF BONDS FOR THE BUILDING OF SCHOOL HOUSES AND THE PAYMENT OF DEBTS CONTRACTED FOR THE PURCHASE OF LAND FOR SCHOOL PURPOSES, BEING CHAPTER 610, LAWS OF 1894.

Issue of
bonds.

SECTION 1. The city of Syracuse, by its common council, shall have authority, and it shall be its duty, by resolution duly adopted by such common council and approved by the mayor, to cause registered or coupon bonds of said city to be issued in the name and upon the credit of said city, which bonds shall be signed by the mayor and city clerk, in the sum of one hundred and twenty thousand dollars, payable twenty thousand dollars in one year; twenty thousand dollars in two years; twenty thousand dollars in three years; twenty thousand dollars in four years; twenty thousand dollars in five years; twenty thousand dollars in six years after the date of issue, bearing interest at a rate not exceeding four per cent. per annum, payable semi-annually.

When
payable.

§ 2. Upon the issue of said bonds the city treasurer of the city of Syracuse shall suitably advertise for proposals for the purchase of said bonds, and he shall sell them to the party or parties offering to pay the highest price therefor, but not less than their par value. The treasurer shall keep in his office a record of all bonds sold, by number, date, amount and name of payee,

Sale of
Bonds.

subject at all reasonable times to the inspection of the mayor and common council of said city. The proceeds arising from such sale shall be by him deposited in solvent banks or trust companies to be designated by the common council for that purpose to the credit of the treasurer; but there shall not be deposited in any one bank or trust company an amount in excess of twenty per cent of the capital stock and surplus of such bank or trust company. Such deposit shall be kept separate and apart from all other funds of said city, and shall be known as the school building fund. All payments from such fund shall be made on warrants drawn by the board of education of the city of Syracuse, countersigned by the president and clerk of said board.

Deposit of
proceeds.

Warrants for
payments.

§ 3. The moneys so realized from the sale of said bonds so to be issued shall be used and employed under the direction of the board of education of the city of Syracuse, for the following purposes and none other:

Application
of proceeds.

First. For the construction, completion and furnishing of one eight-room school building and appurtenances to be built upon lands now owned by the city of Syracuse on Tompkins street in the ninth ward of said city, which shall cost, when completed and furnished, not to exceed the sum of nineteen thousand dollars.

School building on Tompkins street.

Second. For the construction, completion and furnishing of one eight-room school building and appurtenances upon lands now owned by the city of Syracuse on Butternut street, in the twelfth ward of said city,

Building on Butternut street.

the cost of which building, when completed and furnished, shall not exceed the sum of nineteen thousand dollars.

Building on
Clinton
school lot.

Third. For the construction, completion and furnishing of one twelve-room school building in the fourth ward of said city in place of what is now known as the Clinton school, to be constructed on said Clinton school lot or such other lot in said ward now owned, or which may hereafter be acquired, by the city as shall be approved by the common council, which building, when completed and furnished, shall not cost to exceed the sum of twenty-nine thousand dollars.

Building in
nineteenth
ward.

Fourth. For the construction, completion and furnishing of one twelve-room school building in the nineteenth ward of said city of Syracuse upon such lands now owned or which may hereafter be acquired by the city as shall be approved by the common council, which building and appurtenances completed and furnished shall not cost to exceed the sum of twenty-nine thousand dollars.

Improvement
of Bassett
school
building.

Fifth. For the enlargement, improvement and repair of the Bassett school building and appurtenances in the fourteenth ward of said city, a sum not to exceed the sum of five thousand dollars; provided that none of said moneys so authorized be expended for the construction or repair of school buildings shall be paid or expended until after the contracts, plans and specifications for such construction and repair shall be approved by the common council.

Sixth. To pay to one William H. Warner, of Syracuse, the sum of fourteen thousand dollars and accrued interest thereon, being the amount due and unpaid to him upon a certain land contract made by one David Leslie with the city of Syracuse, for the purchase of lands for school purposes in the seventh ward of said city, which contract has been assigned by said Leslie to said William H. Warner. Payment to
W. H. Warner

Seventh. To pay and cancel of record mortgages on land of the said city known as the Prescott school lot and building in the twelfth ward in the amount of three thousand eight hundred dollars and accrued interest, which mortgages are held and owned by the Syracuse Savings Bank and James J. Belden. Payment of
mortgages.

§ 4. Any unexpended balance of the proceeds of said bonds shall be transferred to, and disposed of as a part of the permanent school fund of said city; and the common council of said city of Syracuse is hereby authorized to include in and add to the annual tax to be levied and assessed upon the inhabitants of said city in each of the years eighteen hundred and ninety-five, eighteen hundred and ninety-six, eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, nineteen hundred, in addition to the sum authorized to be raised by section one hundred and six of the charter of said city, the sum of twenty thousand dollars for the payment and retirement of the principal of said bonds as provided in section one of this act. The first payment of Transfer of
unexpended
balances. Tax for
principal
and interest
of bonds. First payment
of principal.

principal of twenty thousand dollars of said bonds to become due and payable on the first day of July, eighteen hundred and ninety-five.

§ 5. This act shall take effect immediately.

ORDINANCES

AS AMENDED.

CHAPTER XXVII.

OFFENSES AGAINST THE PUBLIC PEACE AND QUIET.

SECTION. 6. Any person who shall solicit alms in the city for any purpose whatever without permission from the mayor, or any person found guilty of vagrancy, shall be subject to a fine of not less than two nor more than twenty-five dollars or to imprisonment in the penitentiary of the county for not less than ten days nor more than three months or to both such fine and imprisonment for each offense.

SECTION. 12. Any person who shall indecently exhibit any stallion within the city or permit any bitch in heat to run at large upon the streets or sidewalks of said city, shall be subject to a fine of not less than five nor more than fifty dollars or to imprisonment in the the penitentiary of the county for not less than ten or more than twenty days for each offense.

CHAPTER XXXVIII.

REPORTS.

SECTION 1. The board of police commissioners, the board of fire commissioners, the board of excise com-

missioners, the board of education, the board of health, the board of civil service examiners, the city treasurer, the corporation counsel, the commissioner of public works, the city engineer, the police justice, the fire marshal, and the overseer of the poor, shall report annually to the common council in the month of February, and at or before the last meeting of the common council, then retiring from office for the year ending with the fiscal year, or oftener if required, and in such form and manner as the common council may require, a detailed statement of all transactions, financial or otherwise, belonging to his or their department, the condition of the same and the public property belonging thereto, together with such other items of public interest, and such suggestions concerning his or their department as he or they may deem essential to the public welfare.

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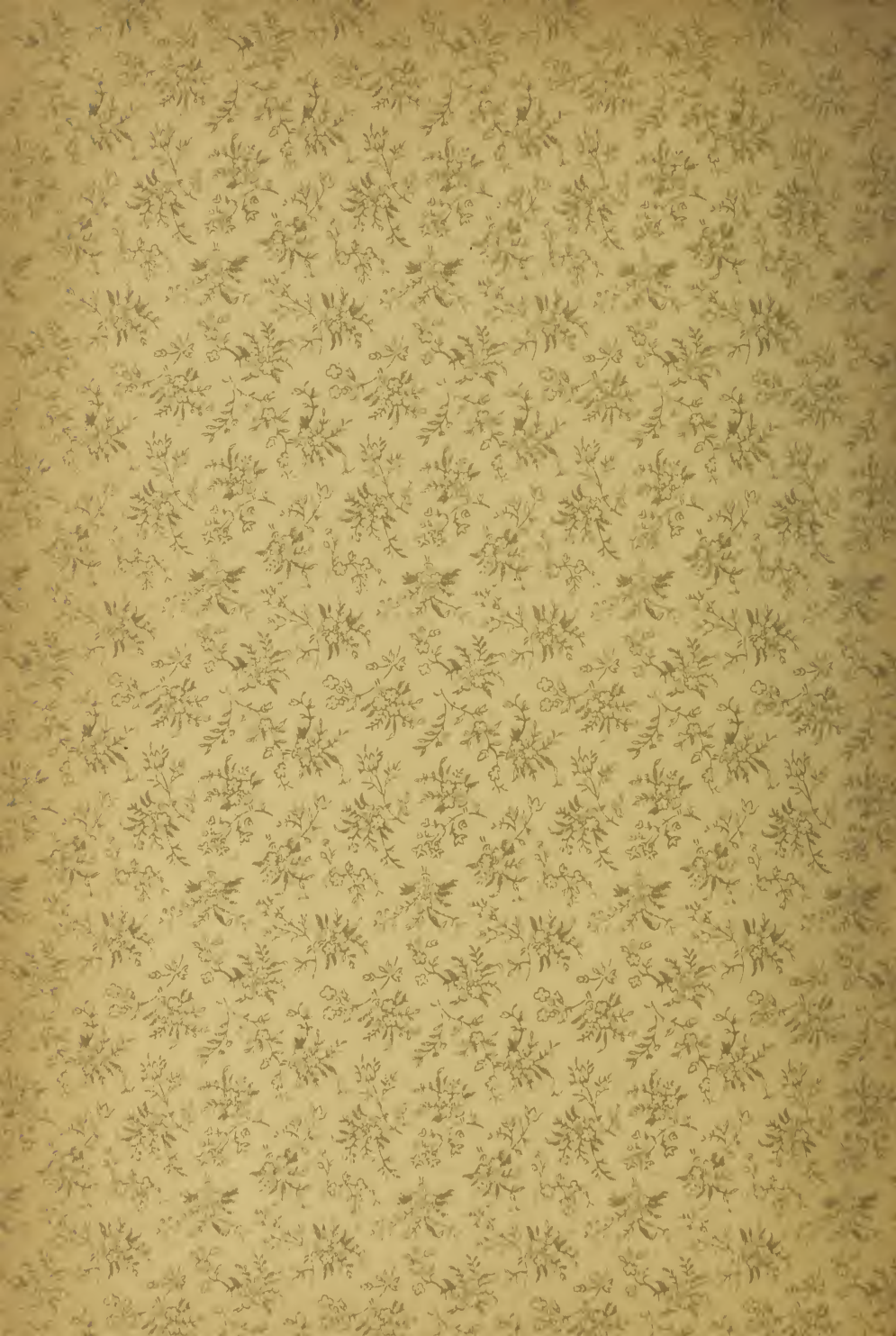
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